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Tuesday
September 3, 1991

Briefings on How To Use the Federal Register
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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

DENVER, CO

WHEN: September 26, at 9:00 am
WHERE: Denver Federal Center, Building 20
(E8 entrance on 2nd Street)
Conference Room B1409, Denver, CO
RESERVATIONS: Federal Information Center
1–800–359–3997

WASHINGTON, DC

WHEN: September 30, at 9:00 am
WHERE: Office of the Federal Register
First Floor Conference Room
1100 L Street, NW, Washington, DC
RESERVATIONS: 202–523–5240

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Reader Aids
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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 56, No. 170
Tuesday, September 3, 1991

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[FV-91-411FR]

Expenses and Assessment Rate for Dried Prunes Produced in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 993 for the 1991–92 crop year established under the marketing order for dried prunes produced in California. Funds to administer this program are derived from assessments on handlers. This action is needed in order for the marketing order committee to have sufficient funds to meet the expenses of operating the program. Expenses are incurred on a continuous basis.

EFFECTIVE DATE: September 3, 1991.

FOR FURTHER INFORMATION CONTACT: Sonia N. Jimenez, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 475–5992.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 993 (7 CFR part 993), regulating the handling of dried prunes produced in California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

This rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this final rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rule issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 15 handlers of prunes produced in California subject to regulation under the California prune marketing order, and approximately 1,200 producers in the production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of prune handlers and producers may be classified as small entities.

The marketing order for California prunes requires that the assessment rate for a particular fiscal year shall apply to all assessable prunes handled from the beginning of such year. An annual budget of expenses is prepared by the Prune Marketing Committee (Committee) and submitted to the Department for approval. The members of the Committee are handlers and producers of regulated prunes. They are familiar with the Committee's needs and with the cost for goods, services, and personnel in their local areas and are, therefore, in position to formulate an appropriate budget. The budget is formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee is derived by dividing anticipated expenses by expected shipments of assessable prunes. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Committee's expected expenses. The recommended budget and assessment rate are usually acted upon by the Committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the Committee will have funds to pay its expenses.

The Committee met on June 25, 1991, and unanimously recommended 1991–92 marketing order expenditures of $290,224 and an assessment rate of $1.76 per ton of salable prunes. In comparison, 1990–91 budget expenditures were $260,736 and the assessment rate was $1.68 per ton. Assessment income for 1991–92 is estimated at $290,224 based on a crop of 164,900 salable tons. Major expenditures categories include $145,750 for salaries and wages, $122,600 for administrative expenses, and $21,874 for contingencies. The increase in administrative expense is due to an addition to the research and development line item of $30,000 in the event a delegation needs to be sent to France during July 1992 for marketing development and research. Any funds not expended by the Committee during a crop year may be used, pursuant to § 993.81(c), for a period of five months subsequent to that crop year. At the end of such period, the excess funds are returned or credited to handlers.

While this final action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule concerning this action was published in the Federal Register on July 23, 1991 (56 FR 33731). Comments on the proposed rule were invited from interested persons until August 2, 1991. No comments were received.

After consideration of all relevant material presented, including the Committee's recommendation and other available information, it is found that this regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

The Committee needs to have sufficient funds to pay its expenses,

which are incurred on a continuous basis. Therefore, it is also found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) Although the Committee may use funds from the previous year for up to five months in the new year, Departmental approval of the expenditures is necessary in order for the Committee to use those funds; (2) no comments were received during the period provided; and (3) handlers are aware of this action, which was recommended by the Committee at a public meeting.

List of Subjects in 7 CFR 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

For the reason set forth in the preamble, 7 CFR part 993 is revised as follows:

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1. The authority citation for 7 CFR part 993 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 993.342 is added to read as follows:

Note: *[This section will not be published in the annual Code of Federal Regulations.]*

§ 993.342 Expenses and assessment rate.

Expenses of $290,224 by the Prune Marketing Committee are authorized and an assessment rate payable by each handler in accordance with § 993.81 is fixed at $1.76 per ton for salable dried prunes for the 1991–92 crop year which ends on July 31, 1992.

Dated: August 27, 1991.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–20981 Filed 8–30–91; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–NM–54–AD; Amendment 39–8018; AD 91–18–15]

Airworthiness Directives; Fokker Model F–28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F–28 Mark 0100 series airplanes, which requires reinforcement of the flanges of rib 5.0 by installing reinforcing finger clips. This amendment is prompted by reports that during full-scale fatigue testing of the horizontal and vertical stabilizers, a crack was discovered in the flange of the torsion box at the junction of rib 5.0 and intermediate spar I. This condition, if not corrected, could result in reduced structural integrity of the vertical stabilizer.

DATES: Effective October 8, 1991. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 8, 1991.

ADDRESSES: The applicable service information may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Standardization Branch, ANM-113; telephone (206) 227–2145. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain Fokker Model F–28 Mark 0100 series airplanes, which requires reinforcement of the flanges of rib 5.0 by installing reinforcing finger clips, was published in the **Federal Register** on April 24, 1991 (56 FR 18786).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supported the rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 20 airplanes of U.S. registry will be affected by this AD, that it will take approximately 29 manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. The estimated cost for required parts is $480 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $41,500.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive, or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the rules docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

91–18–15. Fokker: Amendment 39–8018. Docket No. 91–NM–54–AD.

Applicability: Model F–28 Mark 0100 series airplanes, Serial Numbers 11244 through 11335, certificated in any category.

Compliance: Required prior to the accumulation of 6,000 landings since new or within 100 days after the effective date of this AD, whichever occurs later, unless previously accomplished.

To prevent cracks and the resultant reduced structural integrity of the vertical stabilizer, accomplish the following:

A. Reinforce the flanges of rib 5.0 by installing finger clips, in accordance with Fokker Service Bulletin F100–55–014, dated November 29, 1990.

B. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

D. The installation requirements shall be done in accordance with Fokker Service Bulletin F100-55-014, dated November 29, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314.

This amendment (39-8018, AD 91-18-15) becomes effective October 8, 1991.

Issued in Renton, Washington, on August 12, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-20961 Filed 8-30-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-15-AD; Amendment 39-8019; AD 91-18-16]

Airworthiness Directives; Fokker Model F-27 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F-27 series airplanes, which requires repetitive visual inspections to detect worn, loose, cracked or broken parts in the elevator trim system, and repair; and eventual modification of the elevator trim system. This amendment is prompted by several reports of elevator and trim tab flutter during flight and subsequent damage to both the elevator and tab. This condition, if not corrected, could result in reduced controllability of the airplane.

DATES: Effective October 8, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 8, 1991.

ADDRESSES: The applicable service information may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L. Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Standardization Branch, ANM-113; telephone (206) 227-2145. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain Fokker Model F-27 series airplanes, which requires repetitive visual inspections to detect worn, loose, cracked, or broken parts in the elevator trim system, and repair; and eventual modification of the elevator trim system, was published in the **Federal Register** on June 3, 1991 (56 FR 25051).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supported the rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 44 airplanes of U.S. registry will be affected by this AD, that it will take approximately 46 manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. The estimated cost for the modification kit is $18,000. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $903,320.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the rules docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13—[Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

91-18-16. Fokker: Amendment 39-8019. Docket No. 91-NM-15-AD.

Applicability: Model F-27 series airplanes; Serial Numbers 10102 through 10684, 10686, 10687, and 10689 through 10692; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent elevator and trim tab flutter during flight and reduced controllability of the airplane, accomplish the following:

(a) Within 100 hours time-in-service, unless accomplished within the previous 400 hours time-in-service, and thereafter at intervals not to exceed 500 hours time-in-service, perform a visual inspection to detect worn, loose, cracked, or broken parts in the elevator trim system, in accordance with the appropriate maintenance instructions referenced in the Fokker F27 Maintenance Circular 55-3, dated September 10, 1985. Repair any discrepant part(s) prior to further flight.

(b) Within 18 months after the effective date of this AD, modify the elevator trim system in accordance with the Accomplishment Instructions of Fokker Service Bulletin F27/27-130, dated September 11, 1990. Accomplishment of this modification constitutes terminating action for the repetitive visual inspections required by paragraph (a) of this AD.

Note: This terminating action does not preclude the visual inspections of the elevator and trim tab that should be considered at the Check 4 or the 2C-check interval, which are recommended in Fokker Service Bulletin F27/27-130, dated September 11, 1990.

(c) An alternative method of compliance or adjustment of the compliance time, which

provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(e) The inspection requirement shall be done in accordance with Fokker F27 Maintenance Circular 55-3, dated September 10, 1985, and the modification requirement shall be done in accordance with Fokker Service Bulletin F27/27-130, dated September 11, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Copies may be inspected at the FAA, Transport Airplane Directorate, Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

This amendment (39-8019, AD 91-18-16) becomes effective October 8, 1991.

Issued in Renton, Washington, on August 12, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-20962 Filed 8-30-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-ANE-23; Amdt. 39-8030]

Airworthiness Directives; Teledyne Continental Motors (TCM) Engine Models

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain TCM engine models, which requires replacement of Champion oil filters Part Numbers (P/N) CH48108 and CH48109 manufactured between September 1988 and January 1990. This amendment is prompted by reports of the collapse of the oil filter element. This condition, if not corrected, can result in loss of oil pressure which may cause engine failure or power loss and possible aircraft damage.

EFFECTIVE DATE: September 29, 1991.

ADDRESSES: The applicable service information may be obtained from Champion Aviation Products, 330 Pelham Road, suite 200, Building B, Greenville, South Carolina 29615, or Teledyne Continental Motors, P.O. Box 90, Mobile, Alabama 36601. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, room 311, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Ms. L. Juanita Craft-Lloyd, Aerospace Engineer, Propulsion Branch, FAA, Atlanta Aircraft Certification Office, Small Aircraft Directorate, 1669 Phoenix Parkway, suite 210C, Atlanta, Georgia 30349, telephone (404) 991-3810.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD), applicable to certain TCM engine models, which would require replacement of Champion oil filters Part Numbers (P/N) CH48108 and CH48019, manufactured between September 1988 and January 1990, was published in the **Federal Register** on July 12, 1991 (56 FR 31885).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Approximately 150,000 filters were produced from September 1988 through January 1990. The filter manufacturer has recovered approximately 70,000 to date through a voluntary recall process. There are approximately 60,000 TCM engines installed on U.S. registered aircraft which may have these filters installed. It is estimated that it would take 1 manhour per engine to accomplish the required action at an average labor cost of $55 per manhour. The cost of the required part is estimated to be $14.50 per engine. It is unknown how many of the suspect filters are still in service; however, using the above figures, the maximum total impact of this AD on U.S. operators is estimated to be $4,170,000.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends 14 CFR part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

91-19-03 Teledyne Continental Motors (TCM): (Amendment 39-8030, Docket No. 91-ANE-23)

Applicability: TCM Models IO-360, L/TSIO-360, IO-346, L/I/O-470, TSIO-470, IO-520, L/TSIO-520, 6-285, IO-550, and GTSIO-520 series engines, which are installed on, but not limited to, certain Beech Bonanza models C33, E33, F33, S35, V35, A36, 36, A36TC, and B36TC; Musketeer model A23, Baron models C55, D55, E55, 58, and 58TC series airplanes; and on certain Cessna models R172K, 180 (Serial Numbers (S/N) 53087 and up), 182 (S/N 67042 and up), F182 (S/N 00130 and up), 185 (S/N 03852 and up), 188 (S/N 03474 and up), T188 (S/N 03474 and up), 206 (S/N 05030 and up), 207 (S/N 05227 and up), T207 (S/N 05227 and up), 210 (S/N 63373-63375 and up), T210 (S/N 63373-63375 and up), P210 (S/N 278 and up), T303, 310, 320, P337, T337, 340, 401, 402, 414 series airplanes; and on certain Mooney Aircraft Corp. models M20K and M20K-252TSE series airplanes; and on certain Pipe Pawnee model PA-36, Arrow model PA-28R-201T, Dakota model PA-28-201T, Malibu model PA-46-310P, and Seneca models PA-34-200T and PA-34-220T series airplanes; certificated in any category.

Compliance: Required as indicated unless previously accomplished.

To prevent operation with collapsed oil filter elements, which can result in loss of oil pressure, engine power loss or engine failure, and possible aircraft damage, accomplish the following prior to September 30, 1991:

(a) Inspect the engine oil filter and determine if the filter is a Champion Part No. (P/N) CH48108 and CH48109. If the filter is so identified, proceed to paragraph (b) of this AD.

(b) Inspect the engine oil filter and determine the date code of the filter printed on the side of the exterior. Remove any filter bearing any of the following date codes prior to further flight:

Date codes: All three-digit date codes with "9" as the third-digit, or date codes 3J8, 4J8, 1K8, 2K8, 3K8, 4K8, 2L8, 1M8, 3M8, 1A0, or 2A0

(c) Filters identified with any of the date codes listed in paragraph (b) of this AD are not serviceable and cannot be returned to service.

(d) Replace any removed filter with Champion filter P/N CH48108 or CH48109 having date codes other than those listed in paragraph (b) of this AD or with any other FAA approved filter that is eligible for the applicable engines.

(e) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(f) Upon submission of substantiating data by an owner or operator through an FAA Inspector, (maintenance, avionics, operations, as appropriate) an alternate method of compliance with the requirements of this AD or adjustments of the compliance times specified in this AD may be approved by the Manager, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349.

(g) All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request from Champion Aviation Products, 330 Pelham Road, Suite 200, Building B, Greenville, South Carolina 29615 or Teledyne Continental Motors, P.O. Box 90, Mobile, Alabama 36601. This information may be examined at the FAA, New England Region, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, Massachusetts.

This amendment (39-8030, AD 91-19-03) becomes effective September 29, 1991.

Issued in Burlington, Massachusetts, on August 27, 1991.

Jay J. Pardee,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 91-21093 Filed 8-29-91; 11:11 am]

BILLING CODE 4910-13-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 40

[Public Notice 1464]

Visas: Regulations Pertaining to Both Nonimmigrants and Immigrants Under the Immigration and Nationality Act, as Amended Definitions

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule.

SUMMARY: This rule amends 22 CFR 40.1(d) to substitute the title "Deputy Assistant Secretary for Visa Services" for the title "Director of the Visa Office" and to provide authority for the Deputy Assistant Secretary to designate Civil Service examiners as "consular officers" within the meaning of INA 101(a)(9) for the purpose of issuing and refusing immigrant and nonimmigrant visas. Establishment of this authority will assist the Department in its efforts to provide adequate officer-level staff at visa-issuing offices abroad, including those located near U.S. borders, for the timely processing and adjudication of the vastly increased immigrant visa caseload resulting from the enactment of the Immigration Act of 1990, Public Law 101-649. The substitution of the title "Deputy Assistant Secretary for Visa Services" for "Director of the Visa Office" reflects an administrative redesignation of the position of Director of the Visa Office which occurred some years ago.

EFFECTIVE DATE: September 3, 1991.

FOR FURTHER INFORMATION CONTACT: Cornelius D. Scully, III, Office Director, Legislation, Regulations, and Advisory Assistance, Visa Office, Department of State, 202-663-1204 or 202-663-1206.

SUPPLEMENTARY INFORMATION: Section 101(a)(9) of the Immigration and Nationality Act (INA) defines the term "consular officer" for the purposes of the INA as "* * * any consular, diplomatic or other officer of the United States designated under regulations prescribed under authority contained in this Act, for the purpose of issuing immigrant or nonimmigrant visas." Section 40.1(d), title 22, Code of Federal Regulations, implements this provision of law.

Under current regulations, the definition includes "commissioned consular officers," "the Director of the Visa Office of the Department" and "such other officers as the Director may designate for the purpose of issuing nonimmigrant visas only." This authority has been used to designate officer-level Civil Service employees assigned to the Visa Office of the Department for the purpose of issuing nonimmigrant visas in the United States in certain circumstances. Those circumstances are described in § 41.111(b), title 22, Code of Federal Regulations.

Under the amendments contained in this final rule, the Deputy Assistant Secretary for Visa Services (formerly known as the Director of the Visa Office) will have the authority to designate Civil Service examiners employed at visa-issuing offices abroad as "consular officers" for the purpose of issuing and refusing both immigrant and nonimmigrant visas.

Discussion

INA 101(a)(9)

As a general rule, an officer of the United States, as described in INA 101(a)(9), is an individual who holds his or her position by virtue of appointment by the President or the head of a federal agency, or the delegates thereof, authorized to make such appointments. The test used by some courts to determine who is an officer of the United States is whether the person was appointed by the head of a department or by one to whom the power of appointment has been delegated by the head of a department. *Thomason* v. *U.S.*, 85 F. Supp 742 (N.D. CA 1948) see also Const. Art. II, Sec. 2, cl. 2. Consideration is also given to duration and continuity of duties, tenure, emolument, etc., *U.S.* v. *Germaine*, 99 U.S. 508 (1878).

Delegation of Authority

By virtue of delegation by the Secretary of State, the authority to hire individuals for the Department of State in the civil service now rests with the Director of Personnel.

Furthermore, the Secretary of State has delegated to the Assistant Secretary of State, Bureau of Consular Affairs, authority vested in him with respect to administration and enforcement of immigration and nationality laws relating to powers, duties and functions of diplomatic and consular officers (except those relating to the granting or refusal of visas). (By Delegation of Authority 74, as amended by Public Notices 132, 149 and 151) Pursuant to Public Notice 151, the Assistant Secretary has, in turn, redelegated to the Deputy Assistant Secretary for Visa Services (formerly known as the Director of the Visa Office) the authority to confer upon any officer of the United States (including non-foreign service officers) authority to issue visas.

5 U.S.C. 2104—Civil Servant as Officer

The provisions of section 2104 of title 5 of the United States Code relative to government organizations and employees provide that "for purposes of this Title, an 'officer' means an individual who is required by law to be appointed in the civil service by the head of an executive agency acting in an official capacity, is engaged in the performance of a federal function under authority of law, and is subject to the supervision of the head of the Executive agency while engaged in the performance of the duties of his office." Under civil service occupational series used by the Office of Personnel Management, a civil servant with the occupational title of visa examiner would fall within the definition of an "officer" under section 2104 of title 5.

Civil Servants—Visa Examiners

For the past several years, the Department has recruited civil service employees to serve as visa examiners at the United States Consulate General at Ciudad Juarez. These employees have functioned as support personnel, participating in the administrative processing of immigrant visa cases at the Consulate General. This program has proven effective in assisting the Consulate General in handling an increased volume of cases since the enactment of the Immigration Reform and Control Act of 1986.

The vast increases in immigrant visa caseload which will result from the Immigration Act of 1990 and which will begin in Fiscal Year 1992 have forced the Department to seek ways to increase staffing levels within existing budget constraints. The success of the program at the Consulate General at Ciudad Juarez leads the Department to believe that civil service visa examiners can be a meaningful part of the effort. In order, however, to make full use of civil service visa examiners in the visa adjudication process, it is necessary to provide for the designation of such employees as consular officers. Only after such designation may a civil service visa examiner actually adjudicate a visa application. These employees serve under the supervision of more senior, experienced consular officers.

This final rule provides for the designation of civil service visa examiners as consular officers for the purpose of issuing and refusing nonimmigrant and immigrant visas at visa-issuing offices abroad upon certification by the chief of the consular section under whose supervision the examiner is employed that the examiner is qualified by knowledge and experience to function as a consular officer for this purpose.

Change of Title

This rule also substitutes the title "Deputy Assistant Secretary for Visa Services" for "Director of the Visa Office of the Department." This change reflects a change in the title of the position under an internal administrative reorganization of the Bureau of Consular Affairs in 1979. It does not reflect or imply any substantive change in the duties or authority of the position.

The provisions of 5 U.S.C. 553 relative to notice of final rule and delayed effective date are not required in this rule because they relate solely to internal agency management matters. This rule is not considered to be a major rule for purposes of E.O. 12291 nor is it expected to have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act.

List of Subjects in 22 CFR Part 40

Aliens, Consular officers, Definitions, Immigrants, Nonimmigrants.

Accordingly, part 40 to title 22, Code of Federal Regulations is amended as follows:

PART 40—[AMENDED]

1. The authority citation for Part 40 is revised to read:

Authority: 8 U.S.C. 1104; 8 U.S.C. 1182.

2. Section 40.1, paragraph (d) is revised to read:

§ 40.1 Definitions.

* * * * *

(d) *Consular officer,* as defined in INA 101(a)(9) includes commissioned consular officers and the Deputy Assistant Secretary for Visa Services, and such other officers as the Deputy Assistant Secretary may designate for the purpose of issuing nonimmigrant and immigrant visas, but does not include a consular agent, an attaché or an assistant attaché. For purposes of this regulation, the term "other officers" includes civil service visa examiners employed by the Department of State for duty at visa-issuing offices abroad, upon certification by the chief of the consular section under whose direction such examiners are employed that the examiners are qualified by knowledge and experience to perform the functions of a consular officer in the issuance or refusal of visas. The designation of visa examiners shall expire upon termination of the examiners' employment for such duty and may be terminated at any time for cause by the Deputy Assistant Secretary. The assignment by the Department of any foreign service officer to a diplomatic or consular office abroad in a position administratively designated as requiring, solely, partially, or principally, the performance of consular functions, and the initiation of a request for a consular commission, constitutes designation of the officer as a "consular officer" within the meaning of INA 101(a)(9).

* * * * *

Dated: August 21, 1991.

James Ward,

Acting Assistant Secretary for Consular Affairs.

[FR Doc. 91-20938 Filed 8-30-91; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018-AB43

1991-1992 Seasons and Bag Limits for Subsistence Management Regulations for Public Lands in Alaska

AGENCY: Forest Service, USDA. Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: This corrects errors in the regulations for the 1991-1992 Seasons and Bag Limits for Subsistence Management Regulations for Public Lands in Alaska which appeared in the Federal Register on June 26, 1991 (56 FR 29310).

EFFECTIVE DATE: July 1, 1991.

FOR FURTHER INFORMATION CONTACT: Richard S. Pospahala, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3447. For questions specific to National Forest System lands, contact Norman Howse, Assistant Director, Subsistence, USDA—Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802; telephone (907) 586-8890.

SUPPLEMENTARY INFORMATION: The Federal Subsistence Board has

previously (June 29, 1990) promulgated Temporary Subsistence Management Regulations for Public Lands in Alaska (55 FR 27114). The regulations being corrected amended those earlier temporary regulations by revising the subsistence seasons and bag limits.

The following corrections are made in identical fashion in 36 CFR part 242 and 50 CFR part 100:

TITLE 36

PART 242—[AMENDED]

TITLE 50

PART 100—[AMENDED]

§ .23 [Amended]

1. On page 29318, § .23(n)(1)(vii), for the listing "Goat" in column 2 (Bag Limits), Unit 1(B) is correctly revised to read as follows:

Unit 1(B)—that portion north of the Bradfield Canal and north of the Bradfield River—1 goat by State registration permit only; that portion between LeConte Bay and the north fork of Bradfield River/Canal will require a Federal Registration permit for the taking of a second goat; however, the taking of kids or nannies accompanied by kids is prohibited.

2. On page 29324 § .23(n)(8)(ii), for the listing "Deer", in column 2 (Bag Limits), "Remainder of Unit 8" is correctly revised to read as follows:

Remainder of Unit 8—5 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31; no more than 1 antlerless deer may be taken from Oct. 1–Nov. 30.

3. On page 29330, § .23(n)(14), in the first and third columns, the paragraphs numbered "(ii)" and "(iii)" are correctly renumbered as paragraphs "(iii)" and "(iv)".

4. On page 29344, § .23(n)(25)(iii), for the listing "Moose", in column 2 (Bag Limits), in Unit 25(D) (West), line 9 is correctly revised to read as follows:

"Nelson Mountain on the Unit 25(D) boundary—1 bull by Federal registration permit only".

Richard N. Smith,

Deputy Director, U.S. Fish and Wildlife Service.

Michael A. Barton,

Regional Forester, USDA-Forest Service.

[FR Doc. 91–20773 Filed 8–30–91; 8:45 am]

BILLING CODE 3410–11–M; 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 426

RIN 1006–AA21

Acreage Limitation Rules and Regulations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Final rule.

SUMMARY: This rule revises 43 CFR 426.22, Decisions and Appeals, of the existing rules for administration of the Reclamation Reform Act of 1982. This section is being revised to permit recipients of adverse Bureau of Reclamation (Reclamation) decisions (appellants) to elevate their appeals to the Office of Hearings and Appeals (OHA).

The appeal procedure is adopted pursuant to the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), under which persons aggrieved by a determination of an agency official have an opportunity to appeal that determination to an impartial reviewer. We have now had several years of experience in administering and implementing the Reclamation Reform Act of 1982. That experience suggests that a further formalization of the appeal process, to allow appeals to OHA, will assure that appellants receive a broad-based and impartial review of their appeals.

Interest on any underpayments, as prescribed by section 224(i) of the Reclamation Reform Act of 1982 and 43 CFR 426.23, will continue to accrue during the time any appeal is pending.

This rule adopts the procedure for filing an appeal with OHA as set forth in 43 CFR part 4, subpart G, and other applicable provisions of part 4.

EFFECTIVE DATE: October 3, 1991.

FOR FURTHER INFORMATION CONTACT: Terry Lynott, telephone number (303) 236–3286.

SUPPLEMENTARY INFORMATION:

Statement of Effects

The Department of the Interior (DOI) has determined that this rule does not constitute a major rule under Executive Order 12291 because the rule will not (1) have a measurable effect on the economy; (2) result in major costs to the public or government agencies; or (3) have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. Therefore, a Regulatory Impact Analysis is not required and has not been prepared.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act (NEPA) Compliance

The DOI has determined that this action meets the criteria for an action categorically excluded from the provisions of NEPA (40 CFR 1508.4) under Departmental Manual part 516 DM 6, appendix 9, section 9.4.A.1—"Changes in regulations or policy directives and legislative proposals where impacts are limited to economic and/or social effects."

Small Entity Flexibility Analysis

This rule will not have a significant economic effect on a substantial number of small entities. The rule merely modifies the existing procedures for appealing a determination made under the acreage limitation rules and regulations.

Authorship

This rule was prepared by the Reclamation Reform Act Task Force, which is chaired by Terry Lynott, Director, Program Services Division; Bureau of Reclamation, Denver Office.

Comments About and Changes to the Proposed Rule

The proposed rule was published in 55 FR 40687, October 4, 1990. During the public comment period from October 4, 1990, through November 5, 1990, the Bureau of Reclamation received two documents from the public containing comments about the proposed revisions to the existing rules. The documents were from a water district located in California and a law firm representing several water districts in Arizona.

One of the respondents wrote to express support of the provision that provides appellants with the opportunity to elevate their appeals to the OHA. This respondent did not suggest any changes to the proposed rule.

The other respondent commented that § 426.22(a) should be revised so that parties affected by Regional Director determinations will have 60 days, rather than 30, to appeal such determinations. The respondent explained that the additional time is needed because affected parties generally are not directly notified of Regional Directors' determinations. Usually, determinations are sent to the involved water district,

and then the water district must forward the determination to the affected party. The respondent believed that in many cases, by the time the affected party received the determination, less than 30 days would be left in the time period allowed for filing appeals. We have concluded that the respondent's concerns are legitimate; therefore, § 426.22(a) of the rules has been revised to increase the time period for appealing Regional Director determinations from 30 days to 60 days.

The subject respondent also suggested that § 426.22(b) of the proposed rule be revised to give appellants 60 days, rather than 30, to appeal Commissioner's decisions to OHA. This suggestion has not been accommodated, because pursuant to OHA's existing regulations (43 CFR 4.701), such notices of appeal must be filed within 30 days from the date of mailing of the decision from which the appeal is taken.

The Bureau of Reclamation and the Department of the Interior also reviewed the proposed rule during the public review period. As a result of these reviews, the changes explained in the following paragraphs have been made to § 426.22(a) of the proposed rule:

(1) The date on which the period for submitting appeals begins has been changed from "the date of mailing (postmark) of the Regional Director's determination" to "the date shown on the letter or other document transmitting the determination." This change has been made because, generally, a water district is the only party that knows the date a determination was postmarked. Other parties involved in the appeals process (the Bureau of Reclamation and the affected landholders) do not have easy access to postmark dates. Without this information, these parties do not know when the timeframe for submitting an appeal expires. However, all parties have access to the determination document which shows its transmittal date. Therefore, in order to ensure that all involved parties are aware of the time period during which appeals may be submitted, the final rule provides that the beginning of the appeal period will be based on the date shown on the determination document itself.

(2) The rule has been revised to make it clear that appellants may be granted an extension of time for submitting documents to support their appeals; however, such extensions are not automatic. In order to obtain an extension, the appellant must submit a request, and the Commissioner must determine that the appellant has shown good cause for an extension.

(3) The proposed rule provides that when a Regional Director's determination has been appealed, the determination will be held in abeyance until the Commissioner has rendered a decision on the matter. In the final rule, all Regional Director determinations will have full force and effect during the time an appeal is being reviewed unless, at the request of an appellant, the Commissioner decides that the appellant has shown good cause for having the effects of a Regional Director's determination suspended. This change is necessary to ensure that the appeals process does not become a means for circumventing the requirements of Reclamation law or delaying their imposition.

As a result of reviews within the Bureau of Reclamation and the Department of the Interior, one change was also made to § 426.22(b) of the proposed rule. More specifically, the word "postmark" was deleted from the sentence describing the 30-day period during which appellants can appeal Commissioner's decisions. This change was made so that the provision would more accurately reflect the language in OHA's regulation (43 CFR 4.701) for filing such appeals.

List of Subjects in 43 CFR Part 426

Administrative practice and procedure, Irrigation, Reclamation, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, 43 CFR 426.22 is amended to read as follows:

Dated: July 10, 1991.

Dennis B. Underwood,

Commissioner, Bureau of Reclamation.

PART 426—RULES AND REGULATIONS FOR PROJECTS GOVERNED BY FEDERAL RECLAMATION LAW

1. The authority citation for part 426 continues to read as follows:

Authority: Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. 552; the Reclamation Reform Act of 1982, Public Law 97-293, title II, 96 Stat. 1263, as amended by the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203; and the Reclamation Act of 1902, as amended and supplemented 32 Stat. 388, (43 U.S.C. 371 et seq.).

2. Section 426.22 is revised to read as follows:

§ 426.22 Decisions and appeals.

(a) Unless otherwise provided by the Secretary, the Regional Director shall make any determination required under these rules and regulations. A party directly affected by such a determination may appeal in writing to the Commissioner of Reclamation within 60 days from the date of a Regional Director's determination. The affected party shall have 90 days from the date of a Regional Director's determination within which to submit a supporting brief or memorandum to the Commissioner. The date of a Regional Director's determination will be considered to be the date shown on the letter or other document transmitting the determination. The Commissioner may extend the time for submitting a supporting brief or memorandum, provided the affected party submits a request to the Commissioner and the Commissioner determines the appellant has shown good cause for such an extension. A Regional Director's determination will have full force and effect during the time an appeal is being reviewed, except that upon specific request and showing of good cause by the appellant in a timely notice of appeal, the Commissioner may hold a Regional Director's determination in abeyance until a decision has been rendered.

(b) The affected party may appeal the Commissioner's decision to the Secretary by writing to the Director, Office of Hearings and Appeals (OHA), within 30 days from the date of mailing of the Commissioner's decision. The appeal provided in this paragraph (b) shall be governed by 43 CFR part 4, subpart G, and other provisions of 43 CFR part 4, where applicable.

(c) Interest on any underpayments will continue to accrue during the time any appeal is pending as provided in 43 CFR 426.23.

(d) Final decisions on appeals rendered by the Commissioner prior to the effective date of this section are hereby validated and may not be further appealed.

(e) Pertinent addresses are shown below:

Commissioner, Bureau of Reclamation, Department of the Interior, 18th and C Streets NW., Washington, DC 20240.

Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Room 1103 Ballston Tower No. 3, Arlington, VA 22203.

Regional Director, Pacific Northwest Region, Bureau of Reclamation, 550 West Fort Street, PO Box 043, Boise, ID 83724.

Regional Director, Mid-Pacific Region, Bureau of Reclamation, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

Regional Director, Lower Colorado Region, Bureau of Reclamation, Nevada Highway and Park Street, PO Box 427, Boulder City, NV 89005.

Regional Director, Upper Colorado Region, Bureau of Reclamation, 125 South State Street, PO Box 11568, Salt Lake City, UT 84147.

Regional Director, Great Plains Region, Bureau of Reclamation, 316 North 26th Street, PO Box 36900, Billings, MT 59107.

[FR Doc. 91-20927 Filed 8-30-91; 8:45 am]
BILLING CODE 4310-09-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-628; RM-6850]

Radio Broadcasting Services; Kachina Village and Winslow, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallots Channel 286C from Winslow to Kachina Village, Arizona, and modifies the construction permit of Desert West Air Ranchers Corporation for Station KTDX(FM) to specify operation on Channel 286C2, as requested, pursuant to the provisions of § 1.420(i) of the Commission's Rules. The allotment of Channel 286C2 to Kachina Village will provide the community with its first local aural transmission service without depriving Winslow of local aural transmission service. See 55 FR 3751, February 5, 1990. Coordinates used for Channel 286C2 at Kachina Village are 35-14-26 and 111-35-48. With this action, the proceeding is terminated.

EFFECTIVE DATE: October 15, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-628, adopted August 14, 1991, and released August 28, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. § 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 286C at Winslow and adding Channel 286C2, Kachina Village.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-21022 Filed 8-30-91; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-493; RM-7429]

Radio Broadcasting Services; Pine Bluff and Maumelle, Arkansas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallots Channel 235C from Pine Bluff to Maumelle, Arkansas, and modifies the license of Southern Starr of Arkansas, Inc., for Station KOLL-FM, as requested, pursuant to the provisions of § 1.420(i) of the Commission's Rules. The allotment of Channel 235C to Maumelle will provide the community its first local aural transmission service without depriving Pine Bluff of local aural transmission service. See 55 FR 46836, November 7, 1990. Coordinates used for Channel 235C at Maumelle are 34-26-31 and 92-13-03. With this action, the proceeding is terminated.

EFFECTIVE DATE: October 15, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-493, adopted August 14, 1991, and released August 28, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 235C at Pine Bluff and adding Channel 235C at Maumelle.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-21021 Filed 8-30-91; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-324; RM-7314]

Radio Broadcasting Services; Saranac Lake, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Thomas G. Davis, allots Channel 292C3 to Saranac Lake, New York, as the community's second local commercial FM service. See 55 FR 28242, July 10, 1990. Channel 292C3 can be allotted to Saranac Lake in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.3 kilometers (0.8 miles) north to avoid placement of the coordinates within the Adirondack Forest Preserve. Canadian concurrence has been received because Saranac Lake is located within 320 kilometers of the U.S.-Canadian border. Coordinates for Channel 292C3 at Saranac Lake are North Latitude 44-20-28 and West Longitude 74-07-48. With this action, the proceeding is terminated.

DATES: Effective October 15, 1991. The window period for filing applications will open on October 16, 1991, and close on November 15, 1991.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-324, adopted August 14, 1991, and released August 28, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased

from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Channel 292C3 at Saranac Lake.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-21023 Filed 8-30-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-187; RM-7088; RM-7414]

Radio Broadcasting Services; Windsor and Calistoga, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 281A to Windsor, California, as that community's first local FM service, in response to a petition for rule making filed by Eric R. Hilding (RM-7088). See 55 FR 13811, April 12, 1990. Additionally, Channel 265A is allotted to Calistoga, California, as that community's first local aural transmission service, in response to a counterproposal filed on behalf of Michael D. Espinoza (RM-7414). Coordinates used for Channel 281A at Windsor are 38-36-37 and 122-53-12. Coordinates used for Channel 265A at Calistoga are 38-38-07 and 122-35-13. With this action, the proceeding is terminated.

EFFECTIVE DATE: October 15, 1991. The window period for filing applications for Channel 281A at Windsor, and for Channel 265A at Calistoga, California, will open on October 16, 1991, and close on November 15, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media bureau, (202) 634-6530. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-187, adopted August 13, 1991, and released August 28, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 265A, Calistoga, and by adding Channel 281A, Windsor.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-21024 Filed 8-30-91; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 78-16; Notice 8]

Federal Motor Vehicle Safety Standards; Steering Control Rearward Displacement

AGENCY: National Highway Traffic Safety Administration, (NHTSA), Department of Transportation.

ACTION: Notice of enforcement policy.

SUMMARY: This notice states NHTSA's plans for responding to the decision of the U.S. Court of Appeals for the Sixth Circuit, in *National Truck Equipment Ass'n* v. *NHTSA*, 919 F.2d 1148 (1990), remanding to NHTSA part of its November 23, 1987 amendment to Federal Motor Vehicle Safety Standard (FMVSS) No. 204, *Steering Control Rearward Displacement* (52 FR 44897, codified at 49 CFR 571.204 S4.2). NHTSA will not enforce the requirements of the amended standard against "vehicles completed by final-stage manufacturers that cannot pass through the certification of the initial manufacturer," until such time as the agency completes its contemplated rulemaking to amend its certification regulations (49 CFR parts 567 and 568) and FMVSS No. 204 has been completed and any new amendments have taken effect. NHTSA will take appropriate action to enforce the amended standard with respect to vehicles covered by the standard that are not affected by the court's ruling.

DATES: This policy statement will take effect on September 1, 1991.

ADDRESSES: The court's decision, as well as the public rulemaking docket, are available for public inspection at the Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street SW., Washington, DC 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Kenneth N. Weinstein, Assistant Chief Counsel for Litigation, NHTSA, 400 Seventh Street, SW., room 5219, Washingotn, DC 20590; telephone (202) 366-5263.

SUPPLEMENTARY INFORMATION: The 1987 amendment to FMVSS No. 204 (52 FR 44857) that extended the requirements of the standard to light trucks and vans with gross vehicle weight ratings of up to 10,000 pounds and unloaded vehicle weights of between 4,001 and 5,500 pounds is scheduled to take effect on September 1, 1991. This notice states NHTSA's policy with respect to the enforcement of the amended standard, in light of a court decision remanding a portion of the amended standard to the agency.

In its decision in *National Truck Equipment Ass'n* v. *NHTSA*, 919 F.2d 1148 (6th Cir. 1990), the United States Court of Appeals for the Sixth Circuit remanded to the agency the 1987 amendment extending FMVSS No. 204 to light trucks and vans with unloaded vehicle weights of between 4,001 and 5,500 pounds "only * * * to the extent that it applies to vehicles completed by final-stage manufacturers that cannot pass through the certification of the initial manufacturer." 919 F.2d at 1158. The court cited "the compliance problems the final-stage manufacturers face" as the basis for the remand. *Ibid.* The court specifically stated that "[t]he amendment remains in effect for all other vehicles." *Ibid.*

Pursuant to the court's decision, as of September 1, 1991, NHTSA intends to enforce the requirements of the amended standard only against vehicles manufactured in a single stage and

vehicles completed by final stage manufacturers that can pass through the certification of the initial manufacturer pursuant to 49 CFR 567.5(c). NHTSA will not enforce the amended standard with respect to "vehicles completed by final stage manufacturers that cannot pass through the certification of the initial manfuacturer," until such time as it completes further action to address the court's concerns. The agency is considering further rulemaking to amend the agency's certification regulations, 49 CFR parts 567 and 568, and to further amend FMVSS No. 204.

Issued on: August 27, 1991.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 91-20971 Filed 8-30-91; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 56, No. 170
Tuesday, September 3, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 180

[No. AMS-CS-91-011]

Plant Variety Protection Act: Increase of Certification Fee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Plant Variety Protection Act of 1970, as amended, authorizes the Secretary of Agriculture to issue corrected certificates and to prescribe, charge, and collect reasonable fees for costs incurred in the issuance of plant variety protection certificates. The Secretary is amending the regulations to specify that a corrected certificate will be issued rather than a certificate of correction and to increase the certification fees.

DATES: Comments must be received on or before November 4, 1991.

ADDRESSES: Written comments may be mailed to Kenneth H. Evans, Commissioner; Plant Variety Protection Office; Science Division; Agricultural Marketing Service; U.S. Department of Agriculture; room 500, National Agricultural Library Building; Beltsville, Maryland 20705. Comments will be available for public inspection at this location during regular business hours, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Evans, (301) 344–2518.

SUPPLEMENTARY INFORMATION: The Plant Variety Protection Act of 1970, as amended, (7 U.S.C. 2321 *et seq.*) (Act) provides for the assessment and collection of reasonable fees for expenses incurred by the Department of Agriculture in the issuance of plant variety protection certificates and related services. The Act has recently been amended to provide that fees, including late payments and accrued interest, shall be credited to the account that accrues the costs and shall remain available without fiscal year limitation to pay the costs incurred. Present fees will not cover the projected costs for fiscal year 1992. Therefore, the Department proposes to increase total fees for processing an application to $2,600. The Act also provides for issuing a corrected certificate when a correction is made in the certificate. The Regulations are being changed to conform with the language of the Act to provide for the issuance of a corrected certificate. Presently the regulations provide for both corrected certificates and certificates of correction.

This proposed rule has been reviewed under USDA procedures established to implement Executive Order 12291 and Departmental Regulation 1512–1, and has been determined to be "non-major." It will not result in an annual effect on the economy of $100 million or more; will not cause a major increase in production costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; nor will it have a significant effect on competition, employment, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of the Agricultural Marketing Service has determined that this rule would not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because (1) the fee represents a minimal increase of $200 in the costs of developing and producing a new variety for the commercial market; and (2) competitive effects are offset under this voluntary program since charges are based on volume (i.e., the cost to users varies in proportion to the number of applications submitted).

This regulation does not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969.

From fiscal year 1981 to fiscal year 1984, the cost to the agency of processing an application was reduced from approximately $3,600 to $2,000; and fees were increased from $750 to $1,500 and then in 1984 to $2,000 to make the program self-supporting. From the time of the 1984 fee increase to fiscal year 1988, operating costs attributed to the program rose 35 percent and fees were increased to $2,400 per certificate. Projected revenues for 1992 are estimated to be 10 percent below projected costs.

On February 6 and 7, 1991, the Plant Variety Protection Advisory Board (Board) met and was provided information concerning increased costs which would be incurred by the Department in processing an application for a plant variety protection certificate during fiscal year 1992. This information was provided to support the Plant Variety Protection Office's recommendation for a fee increase to fully fund the program. The Board recommended that fees be raised at this time, but indicated that some members felt that certain plant variety protection activities should be funded by appropriated funds, and that the program should be prepared to process an increasing number of applications.

The Department acknowledges the Board's recommendation; however, the equitable distribution of costs must include fees to fully fund the program. Under legislation passed December 22, 1987, the Plant Variety Protection Office was converted to a user-fee trust fund program in which all moneys collected are deposited in an account designated for funding the program and are not returned to the general Treasury.

Therefore, in view of the increase in costs incurred by this agency, the Department proposes an increase in the fee charged per certificate from $2,400 to $2,600. This fee increase is necessary to keep the Plant Variety Protection Office funded on a fully user-fee basis to conform with the intent of the Act.

Alternatives to increasing the fees were considered by the agency, and found not to be feasible. For example, reducing agency staff would not be a feasible alternative to increasing fees since the output per person would stay the same. The backlog would increase as well as the time period ineligible varieties are protected under the protection-applied-for status. The financial burden of the Government also would be increased by the amount the backlog grows. In addition, reducing the staff would not decrease overhead or supervisory costs.

Also not viable as an alternative is reducing the amount of supervision and review of plant examiners' work by the Commissioner or eliminating the

placement of information on new varieties in the computer file. Either of these actions would increase the probability of issuing certificates on ineligible applications, which would adversely affect the integrity of the program.

Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent in duplicate to the Plant Variety Protection Office and should bear a reference to the date and page number of this issue of the **Federal Register**. Comments submitted pursuant to this document will be made available for public inspection in the Plant Variety Protection Office in Beltsville, Maryland, during regular business hours.

List of Subjects in 7 CFR Part 180

Administrative practice and procedure, Labeling, Plants.

Accordingly, the Department proposes amending 7 CFR part 180 as follows:

7 CFR Part 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: Secs. 6, 22, 23, 26, 31, 42(b), 43, 56, 57, 91(c), 84 Stat. 1542; 7 U.S.C. 2326, 2352, 2353, 2356, 2371, 2402(b), 2403, 2426, 2427, 2501(c); 29 FR 16210, as amended, 37 FR 6327, 6505; U.S.C. 2371.

2. Sections 180.120 and 180.121 are revised to read as follows:

§ 180.120 Corrected certificate—Office mistake.

When a certificate is incorrect because of a mistake in the Office, the Commissioner shall issue a corrected certificate stating the fact and nature of such mistake, under seal, without charge, to be issued to the owner and recorded in the records at the Office.

§ 180.121 Corrected certificate—applicant's mistake.

When a certificate is incorrect because of a mistake by the applicant of a clerical or typographical nature, or of minor character, or in the description of the variety (including, but not limited to, the use of a misleading variety name or a name assigned to a different variety of the same species), and the mistake is found by the Commissioner to have occurred in good faith and does not require a further examination, the Commissioner may, upon payment of the required fee and return of the original certificate, correct the certificate by issuing a corrected certificate, in accordance with section 85 of the Act. If the mistake requires a reexamination, a correction of the certificate shall be dependent on the results of the reexamination.

3. Section 180.175 is revised to read as follows:

§ 180.175 Fees and charges.

The following fees and charges apply to the services and actions specified below:

(a) Filing the application and notifying public of filing	$ 275
(b) Search or examination	2,050
(c) Allowance and issuance of certificate and notifying public of issuance	275
(d) Revive an abandoned application	275
(e) Reproduction of records, drawings, certificates, exhibits, or printed material (copy per page of material)	1
(f) Authentication (each page)	1
(g) Correcting or reissuance of a certificate	275
(h) Recording assignments (per certificate/application)	25
(i) Copies of 8x10 photographs in color	25
(j) Additional fee for reconsideration	275
(k) Additional fee for late payment	25
(l) Additional fee for late replenishment of seed	25
(m) Appeal to Secretary (refundable if appeal overturns the Commissioner's decision	2,600

(n) Field inspections by a representative of the Plant Variety Protection Office made at the request of the applicant shall be reimbursable in full (including travel, per diem or subsistence, and salary) in accordance with Standardized Government Travel Regulations.

(o) Any other service not covered above will be charged for at rates prescribed by the Commissioner, but in no event shall they exceed $40 per employee-hour.

Done at Washington, DC: August 27, 1991.

Daniel Haley,

Administrator.

[FR Doc. 91-20854 Filed 8-30-91; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 959

[Docket No. FV-91-422]

Onions Grown in South Texas; Expenses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures under Marketing Order No. 959 for the 1991-92 fiscal period. Authorization of this budget would permit the south Texas Onion Committee (committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Comments must be received by September 13, 1991.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone 202-447-2020.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 143 and order No. 959 [7 CFR part 959], regulating the handling of onions grown in South Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601-674], hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 34 handlers of South Texas onions under this marketing order, and approximately 47 growers. Small agricultural producers

have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of South Texas onion producers and handlers may be classified as small entities.

The budget of expenses for the 1991–92 fiscal period was prepared by the South Texas Onion Committee, the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the committee are handlers and producers of South Texas onions. They are familiar with the committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget.

The committee, in a mail vote which was completed on August 5, 1991, unanimously recommended a 1991–92 budget of $91,237 for personnel, office, and travel expenses, the same as last year. The assessment rate and funding for the research and promotion projects will be recommended at the committee's organizational meeting this fall. Funds in the reserve at the beginning of the 1991–92 fiscal period, estimated at $348,165, would be within the maximum permitted by the order of two fiscal periods' expenses. These funds would be adequate to cover any expenses incurred by the committee prior to the approval of the assessment rate.

Since no assessment rate is being recommended at this time, no additional costs would be imposed on handlers. Therefore, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

This action should be expedited because the committee needs to have approval to pay its expenses which are incurred on a continuous basis.

The 1991–92 fiscal period for the program began on August 1, 1991. Therefore, it is found and determined that a comment period of 10 days is appropriate because the budget approval for this program needs to be expedited.

List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 959 be amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. A new § 959.232 is added to read as follows:

§ 959.232 Expenses.

Expenses of $91,237 by the South Texas Onion Committee are authorized for the fiscal period ending July 31, 1992. Unexpended funds may be carried over as a reserve.

Dated: August 27, 1991

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–20982 Filed 8–30–91; 8:45 am]

BILLING CODE 3410–02–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 32

Proposed Amendments Concerning Trade Options and Other Exempt Commodity Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing to amend the trade option exemption of Rule 32.4(a) and the case-by-case exemptive provision of Rule 32.4(b), 17 CFR 32.4(a) and (b) (1991),[1] to permit trade options, and other options determined by the Commission not to be contrary to the public interest, on agricultural commodities to the same extent as on other commodities. In addition the Commission is proposing to delete Rule 32.2, which, among other things, prohibits options involving agricultural commodities, as unnecessary in light of the proposed amendments to Rule 32.4, and to complete certain conforming changes to Rule 32.1(b)(1).

DATES: Comments on the proposed amendments of Rule 32.4, the proposed deletion of Rule 32.2 and the conforming changes to 32.1(b)(1) must be received on or before November 4, 1991.

ADDRESSES: Comments should be sent to Jean A. Webb, Secretary of the Commission, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581 and should refer to "Agricultural Trade Options."

FOR FURTHER INFORMATION CONTACT: Susan C. Ervin, Chief Counsel, or Scott L. Diamond, Attorney-Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act Notice

The Paperwork Reduction Act of 1980 ("PRA"), 44 U.S.C. 3501 *et seq.*, imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. The Commission has determined that the proposed amendments of Rules 32.4 and 32.1 and proposed deletion of Rule 32.2 do not impose any information collection requirements as defined by the PRA. Persons wishing to comment on this determination of no information collection burden should contact Joe F. Mink, CFTC Clearance Officer, 2033 K Street NW., Washington, DC 20581; and the Office of Management and Budget, Paperwork Reduction Project (3038-XXXX), Washington, DC 20503.

II. Proposed Amendments of Rule 32.4(a)

A. Background of the Trade Option Exemption

Section 2(a)(1)(A) of the Commodity Exchange Act ("CEA" or "Act") vests the Commission with plenary regulatory authority over "any transaction which is of the character of, or is commonly known to the trade as, an 'option' * * *." [2] Section 4c(b) of the CEA provides that no person "shall offer to enter into, enter into or confirm the execution of, any tranaction involving any commodity regulated under this "Act" which is in the nature of an option "contrary to any rule, regulation, or order of the Commission prohibiting any such transaction or allowing any such transaction under such terms and conditions as the Commission shall prescribe." [3]

Commission regulations address several categories of permitted option transactions. Part 33 of the Commission's regulations governs options traded on designated contract markets. Part 30 of the Commission's regulations governs the offer and sale in the United States of commodity options and futures traded on foreign exchanges.

[1] Commission regulations cited herein may be found at 17 CFR Ch. I (1991).

[2] 7 U.S.C. 2 (1988).

[3] 7 U.S.C. 6c(b) (1988).

Part 32 primarily addresses two categories of domestic commodity options traded other than on designated contract markets: Dealer options and trade options. Dealer options are certain options on physical commodities granted by persons domiciled in the United States who on May 1, 1978 were in the business of granting options on a physical commodity and in the business of buying, selling, producing, or otherwise using that commodity.[4] In general, trade options are off-exchange options on commodities entered into in "normal commercial channels for that commodity or its byproducts." [5]

Commission Rule 32.4 sets forth two categories of exemptions from certain provisions of part 32 for qualifying off-exchange commodity option transactions. Rule 32.4(a), the trade option exemptive provision, states that "[e]xcept for the provisions of §§ 32.2, 32.8 and 32.9, which shall in any event apply to all commodity option transactions," the provisions of part 32 shall not apply to:

> A commodity option offered by a person which has a reasonable basis to believe that the option is offered to a producer, processor, or commercial user of, or a merchant handling, the commodity which is the subject of the commodity option transaction, or the products or byproducts thereof, and that such producer, processor, commercial user or merchant is offered or enters into the commodity option transaction solely for purposes related to its business as such.

Rule 32.2, one of the regulatory provisions to which the Rule 32.4(a) exemption is expressly made subject, prohibits option transactions involving the agricultural commodities enumerated therein, which are also, with the exception of onions, specifically enumerated in section 2(a)(1)(A) of the CEA.[6] The rationale of Rule 32.4(a) "is that commercial enterprises engaged in the commodity business do not require the protection of the Commission's options regulations if they decide to acquire commodity options for business purposes, such as inventory management." [7]

Section 4c(a)(B) of the Act, which was adopted as part of the Commodity Futures Trading Commission Act of 1974, continued a statutory ban on agricultural options which had existed since 1936. In enacting the Commodity Exchange Act of 1936 ("CEA Act of 1936"), Congress responded to a history of excessive price movements and severe disruptions in the futures markets attributed to speculative trading in options by prohibiting option trading in all of the then regulated commodities.[8] Under the CEA Act of 1936, and the Act as subsequently amended, only certain agricultural commodities were regulated.[9] In the Commodity Futures Trading Commission Act of 1974 ("CFTC Act of 1974"), Congress expanded the definition of "commodity" to include all "goods and articles * * * and all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in * * *," in addition to the agricultural commodities previously enumerated in Section 2(a)(1)(A).[10] The CFTC Act of 1974 thus brought all domestic futures and commodity option transactions under one regulatory framework to be administered by the CFTC as an independent agency. With respect to commodity options, the CFTC Act of 1974 preserved the existing prohibition on options on the agricultural commodities previously regulated under the Commodity Exchange Act of 1936, as amended, but empowered the Commission to determine whether option transactions on all newly regulated commodities would be permitted, and if so, under what terms and conditions.[11]

The trade option exemption was first adopted by the Commission in 1976 as part of the initial phase of a contemplated comprehensive regulatory framework for commodity option transactions.[12] As initially adopted, the trade option exemptive rule provided, in terms identical to those of the current Rule 32.4(a), an exemption from all provisions of part 32, "[e]xcept for the provisions of §§ 32.2, 32.8 and 32.9," with respect to a commodity option offered by a person having a reasonable basis to believe that the option is offered to the categories of commercial users specified in the rule, where such commercial user is offered or enters into the transaction solely for purposes related to its business as such.[13] At that time, options on the agricultural products referred to in Rule 32.2 and section 2(a)(1)(A) of the CEA were expressly prohibited under section 4c(a)(B) of the Act.[14] As part of the rulemaking of which the new trade option exemption was a part, the Commission also adopted Rule 32.2(a), which codified that statutory ban and, like the current rule of the same number, prohibited options involving the agricultural products specified therein and in Section 2(a)(1)(A) of the CEA.[15] At the same time, the Commission adopted Rule 32.2(b), which, like the current 32.2(b), barred options "involving" futures contracts traded on or subject to the rules of any contract market or the prices of such contracts, except under terms and conditions prescribed by the Commission.[16]

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[4] See Commission Rule 32.12.

[5] 50 FR 39656, 39659 (Sept. 30, 1985).

[6] Trading in onion futures on United States exchanges was prohibited in 1958. See note 9, *infra*. Rule 32.2 prohibits option transactions involving:

> Wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products and frozen concentrated orange juice * * *.

As noted above, the trade option exemption in Rule 32.4(a) is also made subject to Rules 32.8 and 32.9. Rule 32.8 prohibits, among other things, representations that registration of any person required to be registered with the Commission indicates Commission approval of such person or any commodity option transaction solicited or accepted by such person or that compliance with the provisions of Part 32 constitutes a guarantee of the fulfillment of an option transaction. Rule 32.9 generally prohibits fraud in connection with commodity transactions.

[7] 43 FR 54220, 54221-22 (Nov. 21, 1978). The Commission has brought enforcement cases alleging retail sales fraud involving options; these cases have not, however, involved trade options.

[8] CEA Act of 1936, Public Law No. 74-675, 49 Stat. 1491 (1936). See H. Rep. No. 421, 74th Cong., 1st Sess. 1, 2 (1934); H. Rep. No. 1551, 72d Cong., 1st Sess. 3 (1932).

[9] The CEA Act of 1936 regulated transactions in wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs and Solanum tuberosum (Irish potatoes). Act of June 15, 1936, Public Law No. 74-675, 49 Stat. 1491 (1936). Subsequent amendments of the Act added additional agricultural commodities to the list of enumerated commodities in Section 2(a)(1)(A). Wool tops were added in 1938. Commodity Exchange Act Amendment of 1938, Public Law No. 471, 52 Stat. 205 (1938). Fats, oils, cottonseed meal, cottonseed, peanuts, soybeans and soybean meal were added in 1940. Commodity Exchange Act Amendment of 1940, Public Law No. 818, 54 Stat. 1059-(1940). Livestock, livestock products and frozen concentrated orange juice were added in 1968. Commodity Exchange Act Amendment of 1968, Public Law No. 90-258, 82 Stat. 26 (1968) (livestock and livestock products); Act of July 23, 1968, Public Law No. 90-418, 82 Stat. 413 (1968) (frozen concentrated orange juice). Trading in onion futures on United States exchanges was prohibited in 1958. Commodity Exchange Act Amendment of 1958, Public Law No. 85-839, 72 Stat. 1013 (1958).

[10] Public Law No. 93-463, 88 Stat. 1389 (1974).

[11] See Hearings on S. 2485, S. 2578, S. 2837 and H.R. 13113 before the Committee on Agriculture and Forestry, 93d Cong., 2d Sess., Pt. 1, at 225 (1974) (Statement of R.W. Richards for the National Grain and Feed Association).

[12] 412 FR 51808 (Nov. 24, 1976) (Adoption of Rules Concerning Regulation and Fraud in Connection with Commodity Option Transactions. See also 41 FR 7774 (Feb. 20, 1976) (Notice of Proposed Rules on Regulation of Commodity Options Transactions); 41 FR 44560 (Oct. 8, 1976) (Notice of Proposed Regulation of Commodity Options).

[13] *Id.* at 51815; Rule 32.4(a) (1976).

[14] 7 U.S.C. 6c(a)(B) (1976). Section 4c(a)(B) barred option transactions involving "any commodity specifically set forth in section 2(a) of this Act, prior to the enactment of the Commodity Futures Trading Commission Act 1974 * * *."

[15] 41 FR at 51814.

[16] *Id.*

In 1978, the Commission suspended trading in commodity options based upon a determination that the offer and sale of commodity options in the United States had been subject to widespread abuse and presented substantial risks to members of the general public.[17] The suspension of trading in commodity options did not extend to trade options within the purview of Rule 32.4.[18] In amendments to the CEA adopted as part of the Futures Trading Act of 1978, Congress essentially codified the Commission's options ban, establishing a general prohibition against commodity option transactions, other than trade and dealer options, involving any commodity that first became subject to regulation under the Act in 1974.[19] Pursuant to the 1978 statutory amendments, option transactions prohibited by new Section 4c(c) could not be lawfully effected until the Commission transmitted to its Congressional oversight committees documentation of its ability to regulate successfully such transactions, including its proposed regulations, and thirty calendar days of continuous session of Congress after such transmittal had passed.[20]

As options involving the agricultural commodities specified in section 2(a)(1)(A) of the CEA (and Rule 32.2(a)) were already prohibited by section 4c(a)(B) of the Act, 7 U.S.C. 6c(a)(B), the result of the 1978 amendments was a ban on commodity option transactions involving any commodity. However, Congress, like the Commission, excepted certain trade option transactions from the option ban. The option prohibition set forth in section 4c(c) of the CEA was expressly made inapplicable to "[a]ny transaction expressly permitted under rules or regulations prescribed by the Commission, before or after the date of enactment of the Futures Trading Act of 1978, to be offered to be entered into, or confirmed, in which the purchaser is a producer, processor, commercial user of, or a merchant handling, the commodity involved in the transaction, or the products or byproducts thereof."[21]

Subsequently, the Commission exercised its authority under the 1978 statutory amendments to promulgate regulations permitting exchange-traded option transactions other than on commodities specifically set forth in section 2(a)(1)(A) of the CEA. The Commission published regulations in November, 1981 to govern a three-year pilot program under which commodity options on certain commodities, excluding the agricultural commodities enumerated in section 2(a)(1)(A) of the CEA, would be permitted to be traded on domestic boards of trade designated by the Commission as contract markets for options trading.[22] In the Futures Trading Act of 1982, Congress eliminated the statutory bar to transactions in options on domestic agricultural commodities and permitted the Commission to establish a pilot program for exchange-traded agricultural options comparable to that established with respect to non-agricultural commodity options.[23] Upon completion of the pilot program, the Commission was authorized to permit commodity option transactions without regard to the restrictions in the pilot program following submission to Congress of required documentation concerning the regulation of such transactions.[24]

In lifting the ban on options involving agricultural commodities in 1982, Congress indicated its view that options on agricultural commodities could become a beneficial marketing mechanism for the agricultural industry by providing a means to obtain price protection without the need to forego potential profits resulting from favorable price movements.[25] Congress's decision to allow a limited pilot program for the trading of agricultural options was based, in part, upon its judgment that it was "highly unlikely that the abuses which clouded the trading of agricultural options in the 1930's could recur in the 1980's."[26]

In accordance with Congress's authorization of a pilot program for the trading of options on domestic agricultural commodities, in October 1983, the Commission proposed rules to establish a pilot program under essentially the same conditions which applied to the previously established pilot program for non-agricultural options.[27] In connection with this rule proposal, the Commission noted that section 4c(c) of the Act and Commission Rule 32.4 permitted trade options on cash commodities and that "there may be possible benefits to commercials and to producers from the trading of these 'trade' options in domestic agricultural commodities."[28] However, "in light of the lack of recent experience with agricultural options and because the trading of exchange-traded options is subject to more comprehensive oversight," the Commission concluded that "proceeding in a gradual fashion by initially permitting only exchange-traded agricultural options" was the prudent course.[29] The Commission requested comment from the public concerning the advisability of permitting trade options between commercials on domestic agricultural commodities.[30]

In adopting final rules incorporating options on domestic agricultural commodities into the ongoing exchange-traded option pilot program, the Commission noted that the public comments received with respect to the advisability of permitting trade options on agricultural commodities generally expressed approval of the Commission's proposed approach of initially proceeding only with exchange-traded options.[31] The Commission commented that its determination to permit only exchange-traded options on domestic agricultural futures at that time "[did] not imply that it has reached a final determination as to the future feasibility or desirability of permitting the trading of off-exchange trade options in these commodities."[32] That determination would be "made after further experience has been gained in connection with the trading of options on exchanges as part of this pilot program."[33]

Finally, in the Futures Trading Act of 1986, Congress directed the Commission to eliminate the pilot status of the exchange-traded program for commodity options.[34] In January, 1987, the Commission adopted rules to lift the pilot status of the program for exchange trading of options on futures contracts on domestic agricultural commodities and to establish such trading on a permanent basis.[35] The Commission stated that "[s]ince trading in options on futures contracts on domestic agricultural commodities began, the

[17] 43 FR 16153 (April 17, 1978).

[18] *Id.* at 16153. Subsequently, the Commission determined also to exempt dealer options from the suspension of transactions in commodity options. 43 FR 23704 (June 1, 1978).

[19] Public Law No. 95-405, 92 Stat. 865 (1978).

[20] *Id.*

[21] *Id.* In addition, new section 4c(d) excepted dealer options from the option ban.

[22] 46 FR 54500 (Nov. 3, 1981).

[23] Public Law No. 97-444, 96 Stat. 2294, 2301 (1983).

[24] *Id.*

[25] H. Rep. No. 565, 97th Cong., 2d Sess. 47 (1982).

[26] S. Rep. No. 384, 97th Cong., 2d Sess. 50 (1982).

[27] 48 FR 46797 (Oct. 14, 1983).

[28] *Id.* at 46800 (footnote omitted).

[29] *Id.*

[30] *Id.*

[31] 49 FR 2752, 2756 (Jan. 23, 1984). The Commission stated that many of the commenters believed that the lack of recent experience with options strongly supported "the conservative approach of limiting the trading of options to exchanges." *Id.*

[32] *Id.*

[33] *Id.* (footnote omitted).

[34] Public Law No. 99-641 Section 102, 100 Stat. 3556, 3557, (1986).

[35] 52 FR 777 (Jan. 9, 1987).

Commission has noted none of the abuses which were previously associated with option trading in agricultural commodities."[36] The Commission's "continuing experience with the pilot option programs, including the apparent substantial use of these markets by commercial enterprises," had been favorable and generally "few regulatory problems have been associated with these programs."[37]

B. Proposed Amendment of Rule 32.4(a)

As the discussion above reflects, the trade option exemption set forth in Rule 32.4(a) has been a feature of the Commission's regulatory framework since 1976, when the Commission first promulgated comprehensive rules to govern domestic option transactions. Throughout its fifteen-year existence, however, the trade option exemption has been restricted to options on commodities other than the agricultural commodities specifically enumerated in section 2(a)(1)(A) of the CEA and Rule 32.2 This restriction originally reflected the existing statutory framework which prohibited options on agricultural commodities but authorized the Commission to permit options on other commodities. Subsequently, following removal of the statutory bar to agricultural options in 1982, the Commission nonetheless maintained the exclusion of agricultural commodities from the category of permissible trade options pending the implementation of a pilot program for options on futures contracts on agricultural commodities and a review of experience obtained under that program. This reflected the Commission's conservative approach of proceeding first with exchange-traded options and "considering off-exchange instruments at a later time * * *."[38]

Based upon its experience with exchange-traded options on agricultural commodities during the three-year option pilot program and the four years since the pilot status of the program was lifted and the Commission's experience with the development of hybrids, swaps and other off-exchange commodity-related instruments, the Commission believes that consideration of the continued necessity for the prohibition on trade options on agricultural commodities is now warranted.[39] The Commission's review of the trading of exchange-traded options continues to indicate no special problems peculiar to options on futures contracts on agricultural commodities. Although the Commission recognizes that off-exchange option transactions may raise regulatory concerns different from exchange transactions, the Commission believes, as more fully discussed below, that the restrictions inherent in the trade option exemption of Rule 32.4(a) may substantially mitigate such concerns. Moreover, since the enactment of the trade option exemptive rule in 1976, the Commission has had substantial experience not only with the oversight of exchange-traded agricultural options but also with a wide range of off-exchange instruments.

In proposing the trade option exemptive rule, the Commission expressed the view that "no public interest would be served by regulatory provisions governing commercial commodity option transactions with certain users, producers or consumers."[40] Rule 32.9, the Commission's anti-fraud rule governing commodity option transactions and the prohibition of Rule 32.8 against, *inter alia*, representations concerning the Commission's approval of any commodity option transaction, were believed sufficient to achieve the relevant regulatory objectives in the context of trade option transactions.[41] As the rationale of the trade option exemption is that commercial enterprises engaged in commercial use of the commodity on which the option is offered and acquiring such options for business purposes do not require the protection of the Commission's option regulations, the commercial nature of the trade option offeree and the nexus between the offeree's business and the option transaction support the conclusion that the full protections of the CEA and Commission regulations may be unnecessary in the context of agricultural trade options.

In authorizing a pilot program on exchange-traded options, Congress supported "provid[ing] farmers and other interested parties a fair chance to benefit from this new marketing device, just as is provided others by the current CFTC pilot program on nonagricultural options."[42] The Commission has since been asked to review a number of off-exchange contracts involving agricultural commodities offered or sold to agricultural producers that reflect marketplace interest in risk management transactions offered other than on designated contract markets, frequently involving option elements.[43] Recently, the Commission issued no-action relief with respect to a proposed program for the offer and sale by a registered futures commission merchant ("FCM") of averaging European-style options on agricultural commodities to certain commercial purchasers on an off-exchange basis.[44] The options addressed in the Commission's no-action letter are based on an average price over the term of the option and are intended to permit commercial grain interests with a continuous need for the underlying commodity to hedge their exposure to changes in the price of the commodity more efficiently than with a conventional exchange-trade option. The Commission's no-action relief was conditioned upon the FCM's compliance with various conditions relating to, among other things, recordkeeping, calculation of adjusted net capital, and internal controls with respect to hedging of the risks created by the options program.[45]

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[36] *Id.* at 778.

[37] *Id.*

[38] 49 FR 2752, 2756 (Jan. 23, 1984).

[39] For example, in July 1989, the Commission adopted Part 34 of the Regulations, which provides an exemption from regulation under the CEA for certain hybrid instruments with commodity option components. 54 FR 30684 (July 21, 1989). The hybrid option exemption is available with respect to otherwise qualifying instruments whose commodity component is based upon any commodity within the meaning of section 2(a)(1)(A) of the CEA, including agricultural commodities. Rule 34.1. Similarly, the Commission's 1989 Policy Statement Concerning Swap Transactions, which recognized a safe harbor from Commission regulation for swap transactions meeting specified criteria, did not distinguish among swaps based upon the commodity underlying the transaction. 54 FR 30694, 30696 (July 21, 1989).

[40] 41 FR at 44563; 41 FR at 7776.

[41] See 41 FR at 44563. The Commission stated its intention to monitor the impact of the trade option exemption in the marketplace to determine whether it was necessary or appropriate. 41 FR at 7776.

[42] H.R. Rep. No. 565, 97th Cong., 2d Sess. 47 (1982).

[43] *E.g.*, Letter to Bruce Bainbridge from Marshall E. Hanbury and Paula A. Tosini, Co-Chairmen, Off-Exchange Task Force, Commodity Futures Trading Commission, dated October 18, 1988 (staff no-action position concerning certain minimum price cattle contracts); Letter to Wayne D. Purcell from Marshall E. Hanbury, Co-Chairmen, Off-Exchange Task Force, Commodity Futures Trading Commission, dated December 9, 1988 (response to inquiry concerning certain video and teleauction cattle sales); Letter to Joseph H. Harrison, Jr., Esq. from Andrea M. Corcoran and Joanne T. Medero, Co-Chairman, Off-Exchange Task Force, Commodity Futures Trading Commission, dated August 6, 1990 (staff no-action position concerning a minimum price grain contract); Proposed Order Concerning Issuance and Sale by Uruguay and Subsequent Resale by the Holders Thereof of Units Consisting of Certain Detachable Rights, 56 FR 4983 (Feb. 7, 1991) (Commission exemptive order relating to units consisting of notes and rights relating to, *inter alia*, certain agricultural commodity prices). *See generally* "Characteristics Distinguishing Cash and Forward Contracts and 'Trade' Options," 50 FR 39656 (Interpretative Statement of the Office of the General Counsel, Sept. 30, 1985).

[44] CFTC Advisory 32-91 (June 4, 1991).

[45] The no-action relief granted extended to part 32 of the Commission's rules, except for the requirements of Rules 32.8 and 32.9, and Rule 1.19, which prohibits FCMs and introducing brokers from making, underwriting, issuing or otherwise assuming any financial responsibility for the

Continued

The Commission believes that the potential commercial benefits of trade options on agricultural products, together with the absence of apparent problems peculiar to exchange-traded option transactions involving agricultural commodities or evidence of abuse in the trade option marketplace, warrants reconsideration of the existing prohibition on trade options on agricultural commodities. Consequently, the Commission requests comment as to whether the prohibition against trade options on agricultural commodities should be removed. The Commission also requests comment as to whether any special considerations exist that would warrant any continuing restrictions upon trade options on agricultural commodities and as to what specific conditions, if any, should be placed upon such transactions. For example, should the offeror as well as the offeree of permitted trade options on agricultural commodities be required to be a commercial user of the commodity on which the trade option is offered?

III. Proposed Amendment of Rules 32.4(b) and 32.1(b)(1) and Deletion of Rule 32.2

Rule 32.4(b) provides that the Commission may, by order, upon written request or upon its own motion, exempt any person:

> Either unconditionally or on a temporary or other conditional basis, from any provisions of this part, other than §§ 32.2, 32.8 and 32.9, if it finds, in its discretion, that it would not be contrary to the public interest to grant such exemption.

Thus, like the trade option exemption, the Rule 32.4(b) exemption for options determined by the Commission on a case-by-case basis not to be contrary to the public interest is subject to Rules 32.2, 32.8 and 32.9. As Rule 32.4(b) exemptions are determined on a case-by-case basis by the Commission and are subject to such conditions as the Commission may impose, and in light of the Commission's experience with exchange-trade options on agricultural commodities and its current proposal to permit trade options on agricultural commodities, the Commission is also proposing to delete the reference to Rule 32.2 from Rule 32.4(b). This proposed amendment would codify the Commission's authority to permit off-exchange options on agricultural commodities to the same extent as options on other commodities and would be consistent with the original purpose of Rule 32.4(b) of providing maximum flexibility to the Commission.[46]

In conjunction with the proposed deletion of references to Rule 32.2 from Rule 32.4, the Commission also proposes to delete Rule 32.2 in its entirety. If the proposed amendments to Rule 32.4 to delete references to Rule 32.2 are adopted, the Commission believes that the continued existence of Rule 32.2 will be unnecessary. Separately, the Commission is proposing conforming changes to Rule 32.1(b)(1) to assure that Rules 32.8 and 32.9 continue to apply to the agricultural trade options which would be permitted by these rule changes.

IV. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), Public Law No. 96-354, 94 Stat. 1164 (1980), 5 U.S.C. 601 *et seq.*, requires each federal agency to consider, in the course of proposing substantive rules, the effect of those rules on small entities. A small entity is defined to include, *inter alia*, a "small business" and a "small organization." 5 U.S.C. 601(6).[47] The Commission previously has formulated its own standards of what constitutes a small business with respect to the types of entities regulated by it. The Commission has determined that contract markets,[48] futures commission merchants,[49] registered commodity pool operators [50] and large traders [51] should not be considered small entities for purposes of the RFA.

The commission notes that the proposed amendments to Rule 32.4, if adopted, will not introduce any new prohibitions but, rather, will remove current restrictions upon off-exchange option transactions. Adoption of the proposed trade option amendment would permit producers, processors, commercial users or merchants dealing in agricultural commodities to participate in off-exchange option transactions entered into in connection with their business in such commodities. The Commission expects that such participants will mainly consist of firms and producers that have needs for price protection that may not be as efficiently satisfied with existing exchange products. This proposal will relieve participants in these transactions of certain regulatory constraints under the CEA and Commission regulations.

Although it is possible that firms defined as small businesses under section 3 of the Small Business Act could offer or be offered trade options on domestic agricultural commodities and thus be affected by the proposed amendment to the trade option exemption, there would not be a significant economic impact on such entities if they did become involved in transactions permitted by the proposed rule amendment. The proposed amendment to Rule 32.4(a) would not add any legal, accounting, consulting or experts costs but rather would broaden the categories of permissible option products sold other than on designated exchanges. The determination of whether an option transaction would qualify for the proposed exemption requires minimal analysis of data that will be readily accessible to the offeror.

The proposed amendment of Rule 32.4(b) would remove the restriction on exemptions granted by the Commission on a case-by-case basis and would impose no new requirements. Similarly, the proposed deletion of Rule 32.2 would delete unnecessary regulations and impose no new regulatory requirements.

Accordingly, the Chairman, on behalf of the Commission, certifies pursuant to section 3(a) of the RFA, 5 U.S.C. 605(b), that the proposed amendments will not have a significant economic impact on a substantial number of small entities. Nonetheless, the Commission invites comment from any firm which believes that these rules, as proposed to be amended, would have a significant economic impact on its operations.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1989, ("PRA") 44 U.S.C. 3501 *et seq.*, imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA the Commission has submitted this proposed rule and its associated information collection requirements to the Office of Management and Budget. While this proposed rule has no burden, the group of rules of which this is a part has the following burden:

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fulfillment of any commodity option other than commodity options traded on or subject to the rules of contract market in accordance with part 33 of the Commission's regulations or commodity options traded on or subject to the rules of a foreign board to trade in accordance with the requirements of Part 30 of the regulations. The proposed amendments addressed herein do not affect the restrictions imposed by Rule 1.19.

[46] See 41 FR at 44563.

[47] "Small organizations," as used in the RFA, means "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field * * *." 5 U.S.C. 601(4). The RFA does not incorporate the size standards of the Small Business Administration ("SBA") for small organizations. Agencies are expressly authorized to establish their own definition of small organization. *Id.*

[48] 47 FR 18618 (April 30, 1982).

[49] *Id.* at 18619.

[50] *Id.*

[51] *Id.* at 18620.

Average Burden Hours per Response ..	1.33
Number of Respondents	13
Frequency of Response	13

Persons wishing to comment on the estimated paperwork burden associated with this proposed rule should contact Gary Waxman, Office of Management and Budget, room 3228, NEOB, Washington, DC 20503, (202) 395–7340. Copies of the information collection submission to OMB are available from Joe Mink, CFTC Clearance Officer, 2033 K Street NW., Washington, DC 20581, (202) 254–9735.

List of Subjects in 17 CFR Part 32

Commodity futures, Commodity options, Prohibited transactions and trade options.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in particular, sections 2(a)(1)(A), 4c and 8a, 7 U.S.C. 2, 6c and 12a, as amended, the Commission hereby proposes to amend part 32 of chapter I of title 17 of the Code of Federal Regulations as follows:

PART 32—REGULATION OF COMMODITY OPTION TRANSACTIONS

1. The authority citation for part 32 is proposed to be revised to read as follows:

Authority: 7 U.S.C. 2, 6c and 12a.

2. Section 32.1(b)(1) is proposed to be revised to read as follows:

§ 32.1 Definitions.

* * * * *

(b) * * *

(1) *Commodity option transaction* and *commodity option* each means any transaction or agreement in interstate commerce which is or is held out to be of the character of, or is commonly known to the trade as, an "option", "privilege", "indemnity", "bid", "offer", "put", "call", "advance guaranty", or "decline guaranty" involving any commodity regulated under the Act.

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§ 32.2 [Removed and reserved]

3. Section 32.2 is proposed to be removed and reserved.

4. Section 32.4 is proposed to be revised to read as follows:

§ 32.4 Exemptions.

(a) Except for the provisions of §§ 32.8 and 32.9, which shall in any event apply to all commodity option transactions, the provisions of this part shall not apply to a commodity option offered by a person which has a reasonable basis to believe that the option is offered to a producer, processor, or commercial user of, or a merchant handling, the commodity which is the subject of the commodity option transaction, or the products or byproducts thereof, and that such producer, processor, commercial user or merchant is offered or enters into the commodity option transaction solely for purposes related to its business as such.

(b) The Commission may, by order, upon written request or upon its own motion, exempt any other person, either unconditionally or on a temporary or other conditional basis, from any provisions of this part, other than §§ 32.8 and 32.9, if it finds, in its discretion, that it would not be contrary to the public interest to grant such an exemption.

Issued in Washington, DC on August 27, 1991, by the Commission.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 91–20932 Filed 8–30–91; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[Public Notice 1468]

Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended

AGENCY: Bureau of Consular Affairs, State Department.

ACTION: Notice of proposed rulemaking.

SUMMARY: This rule proposes to amend part 41 to title 22, Code of Federal Regulations, by adding a definition of the term "substantial" to § 41.51 in order to implement the provisions of section 204(c) of Public Law 101–649 relative to section 101(a)(45) and section 101(a)(15)(E) of the Immigration and Nationality Act (INA). Furthermore, the Department takes this opportunity to promulgate into regulations, at 22 CFR 41.51, the underlying principles of the treaty trader/investor visa classification which have been published in the form of interpretive note material in Volume 9 of the State Department's Foreign Affairs Manual.

DATES: Written comments must be received in duplicate on or before November 4, 1991.

ADDRESSES: Interested persons are invited to submit comments in duplicate to: Chief, Division of Legislation and Regulations, Visa Office, Department of State, Washington, DC 20522–0113.

FOR FURTHER INFORMATION CONTACT: Stephen K. Fischel, Chief, Legislation and Regulations Division, 202–663–1204.

SUPPLEMENTARY INFORMATION: Section 204(c) of the Immigration Act of 1990, Public Law 104–649 requires the Secretary of State to promulgate a regulatory definition of the term "substantial" after consultation with the appropriate agencies of the United States Government.

Background

Section 101(a)(45) as Added by Section 204 of the Immigration Act of 1990

Section 204(c) of the Immigration Act of 1990, created section 101(a)(45) of the Immigration and Nationality Act which defines the term "substantial" as follows:

(45) The term "substantial" means, for purposes of paragraph (15)(E) with reference to trade or capital, such an amount of trade or capital as is established by the Secretary of State, after consultation with appropriate agencies of Government.

It is clear from the language of the statute that the Secretary of State is exclusively authorized to establish the amount of trade or capital necessary to meet the requirements of INA 101(a)(15)(E). It is also clear that the Department is required to consult with the appropriate agencies of the United States Government in this regard. The Visa Office sent a letter to the agencies listed below providing an explanation of the treaty visa classification with focus on the requirement of "substantiality". Comments were solicited regarding any changes in the interpretation or implementation of the definition of "substantial" from the following agencies: Department of Commerce, Department of Labor, Department of the Treasury, Immigration and Naturalization Service, Small Business Administration, United States Trade Representative.

Those agencies also received advance copies of the proposed regulations. The agencies which responded supported what the Department had done in the past and offered no substantive changes to the Departments proposed method for adjudicating treaty trader/investor visas. They, as any members of the general public, have the opportunity to submit additional comments on that specific issue as well as on any other aspects of the proposed regulation.

Substantial Definition Under INA 101(a)(45)

Section 204(c) creates INA 101(a)(45) which provides for a definition of the term *substantial* for treaty trader/

investor purposes. While such definition normally would be listed in part 40 of this title at § 40.1, the Department proposes to incorporate the definition "substantial" into this part, at § 41.51, which contains general instructions on treaty visas. Consequently, no regulation implementing section 101(a)(45) of the INA is being proposed to the definitional regulations at 22 CFR 40.1.

Section 204 of the Immigration Act becomes effective October 1, 1991 pursuant to section 231 of that Act. As these proposed regulations make no substantive changes to the definition of "substantial", the Department proposes to continue to administer the current treaty trader/investor visa guidelines until the final regulations on this matter are published even if the publication date is later than the effective date.

The Department has decided to seize this opportunity to incorporate into regulations the many fundamental principles which underlie the treaty trader/investor nonimmigrant visa classification. Until now these principles have been set forth in Volume 9 of the Foreign Affairs Manual, § 41.51, primarily as interpretive notes. The notes derive from legislative history, judicial decisions, administrative decisions, and advisory opinions rendered on individual cases over the last century. The proposed regulations, therefore, do not represent any new concepts.

Character of Treaty Visa Classification

In reviewing this proposed rule there are two characteristics of the treaty classification which should be remembered. The first is that the classification is based on a bilateral relationship, i.e., an exclusive relationship between the two party countries. The various requirements of the treaty visa classification reflect the bilateralism of that relationship.

The negotiation of new treaties and the addition of new countries qualifying for treaty visa status demonstrate the continuing desire to enter into such an exclusive bilateral relationships with the United States. Such bilateral relationships might appear to be anachronistic to some in the age of economic communities, regional economic unions, and internationalism in general, but, apparently, the desire for the much more limited bilateral relationships still exists.

It is clear that this visa classification based on a bilateral relationship is not designed to address visa issues relating to intentional economic unions. The interpretive notes in Volume 9 of the Foreign Affairs Manual as well as the proposed regulations do not divert from the primary focus of bilateralism in any attempt to accommodate such economic communities but seek to stay true to the exclusive relationship. The challenge of creating a visa classification which conforms to the needs of the international economic unions is left appropriately for Congress.

The second point is that the exercise of judgment plays a large role in adjudicating treaty visa cases. Certainly, there are some very specific requirements which must be met to qualify for treaty alien status, but there are also some flexible standards subject to the exercise of sound judgment. Within the limitations imposed by the narrow scope of the bilateral concept, the Department believes that the standards requiring the exercise of judgment provide the greatest amount of flexibility possible to adapt to the ever changing business world. The Department has resisted the substitution of bright-line tests for the exercise of judgment in those few areas in order to retain some flexibility and adaptability.

Treaty or Equivalent

The language of INA 101(a)(15)(E) requires the existence of a treaty of Friendship, Commerce, and Navigation between the United States and another foreign state. The United States, however, has not negotiated such a treaty in years but has been negotiating primarily bilateral investment treaties and recently some economic agreements which have been determined by the legal adviser to the State Department to be the equivalent to the Treaty of Friendship, Commerce, and Navigation. Furthermore, Congress has accorded treaty trader/investor visa privileges to certain countries by legislation. These equivalent means of obtaining treaty visa benefits are recognized in this proposal.

Nationality

Every alien who is the principal visa applicant must possess the nationality of the treaty county in question. The nationality of the individual is determined by the authorities of the foreign state of which the alien claims nationality. The nationality of an enterprise is determined by the nationality of the individuals who own that business. The enterprise must be at least 50% owned by nationals of the treaty country in question to qualify for treaty visa status. Even in the case of layered business entities, the nationality of the individual owners must be traced. In cases of corporations which are extensively layered and whose stocks are sold on exchanges in more than one country, the alien must trace ownership as best as is practicable under those circumstances. The consular officer will then render a decision based on the best evidence available.

Trade

In establishing entitlement to treaty trader status, the alien must satisfy the consular officer that the requirement of trade has been met. Unlike the investor provisions which in a limited sense allow for a prospective investment, the trader provisions require that the requisite amount of trade be in place in order for the alien to qualify as a trader.

Implicit in the concept of trade, it is contemplated under the statute that a commodity be exchanged for consideration between the treaty partners. Furthermore, Congress intended such trade to be international in scope rather than domestic. Thus, the trade item must pass from one treaty country to the other.

Lastly, the item of trade must be a qualifying commodity. Historically, the focus has been on traditional trade items, such as tangible goods. Several years ago the definition of the qualifying trade commodity was expanded administratively to include services and technology. Public Law 101-649 codified this charge through section 204(a) by specifically amending the INA to include these activities. The definition of qualifying trade items used by the INS and the Department involves the citing of examples rather than formulating a specific test. This method was chosen to avoid setting a standard which might be overly restrictive. The objective of the definition is to permit any trade item which is a good or service/technology to qualify if it can be established that it is commonly traded in the international market place. The alien will, of course, bear the burden of convincing the consular officer of the item's qualification.

Substantial Trade

The statute requires that the trade be substantial. As a relative term, "substantial" is an inexact quantifier and defies the setting of a bright-line test. As it is a descriptive concept, the Department has used a listing of characteristics of trade to set the parameters of its meaning rather than using a specific dollar amount or a number of trade actions to create a set standard for substantiality. The essence of the term is found in the continuous flow of goods or services which are being exchanged between the treaty countries. As stated, this flow must be continuous, involving numbers

transactions, rather than constituting a single act of exchange. Although the continuous flow is the primary focus of consideration, the value of the goods or services being exchanged must also be given weight.

In view of the nature of the concept and in light of the success of its application over many years, the Department has decided to incorporate the current definitional guidelines in Volume 9 of the Foreign Affairs Manual into codified rules. The regulatory definition of substantiality for trade purposes will list characteristics that embody the concept requiring the exercise of judgment by the adjudicating officer rather than creating a bright-line test such as setting a figure for the value of the goods transferred or setting a number of transactions.

Principal Trade

Trade for treaty trader purposes must be principally between the United States and the foreign state of the alien's nationality. Principally has always been interpreted to mean most of the trade or, more specifically, over 50% of the trade between the United States and the other country.

The traditional means of measuring trade for this test has involved two factors. As stated previously, the trade item must physically pass between the United States and the treaty country in question. Secondly, title to the commodity must also pass from one country to the other. The Department continues to hold the view that this longstanding means of measurement clearly reflects the nature of the bilateral relationships, but also provides flexibility in that it does not require that the trade item have originated in the treaty country.

Treaty Investment

Unlike the treaty trader classification in which the trade must be in place to qualify, in the treaty investor classification the alien must have either invested or be in the process of investing in the United States. In the latter case, the Department has held that the funds or capital to be invested must be irrevocably committed to the investment in order to obtain visa issuance. In other words, the alien must have progressed in the investment to the point of no return. This practice, mandated by experience, is intended to provide assurance to the consular officer that the treaty investor will enter the United States to pursue the treaty investment and not abandon the enterprise and engage in activities inconsistent with treaty investor status.

Investment Capital

Although money constitutes the usual form of investment, capital invested often includes fixtures, equipment, and other assets. The Department's guidelines provide for that possibility. In all cases, however, the alien must invest funds or capital goods which are in the alien's possession and control. Thus, the prospective investor must hold title to and have in his custody the funds or capital items or assets which are invested in the United States.

Risk

The Department's position on risk has become somewhat controversial, as it does not comport to modern financing practices. Frankly, these guidelines do not appear to have been designed with financial practices in mind. The objective of this longstanding rule is to ensure success of the enterprise by placing the risk of failure squarely on the shoulders of the investor. Risk is funneled to the investor to the extent that upon failure of the enterprise, the investor stands to lose everything invested. Not only must the investor have possession and control or custody of the funds and other investment capital, but the risk for any borrowed funds must be borne personally by the investor. Thus, the business into which the investment is made can not be used as collateral for any such borrowed funds.

Commercial Activity

The purpose of both the treaty trader and treaty investor provisions is to stimulate the economy by the operation of successful businesses. The enterprises must therefore be commercial entities crated and operated to turn a profit.

Substantial Capital

The statute requires that the treaty alien invest a substantial amount of capital. The essence of the requirement is that the alien invest an amount of capital which equates to a significant commitment by the alien to ensure success of the business and, implicitly, contribute in a substantial way to the economy. As size of the prospective businesses will vary, it has been the Department's view that it is only logical that the method to measure the significant amount would involve an element of relativity. Thus, the Department has used the "proportionality test". The test is a comparison between two figures: (1) The amount of qualifying funds invested and (2) the cost of an established business or, if a newly created business, the cost of establishing such a business. The comparison of the first figure to the second results in a percentage of the amount the alien invested into the business in question. The Department has held that for smaller businesses the percentage had to be quite high but for large businesses, as if by use of an inverted sliding scale, the percentage would be much less.

The following examples demonstrate the relative nature of the test.

(a) A newly-created business, e.g., a consulting firm, might only need $50,000 investment to be set up and to become fully operational. As this cost figure is relatively low, a higher percentage of investment is anticipated. An investment approaching 90–100% would easily meet the test.

(b) A small business costing $500,000 would demand generally upwards of a 60% investment, with a $375,000 investment clearly meeting the test.

(c) In the case of a $1,000,000 business, a lesser percentage might be needed, but a 50–60% investment would qualify.

(d) A business requiring $10,000,000 to purchase or establish would require a much lower percentage. A $3,000,000 investment would normally suffice in view of the sheer magnitude of the dollar amount invested.

The exercise of judgment in applying the test provides for flexibility. The consular officer can review the relative investment through the proportionality test in light of the entire enterprise and the other treaty investor requirements. Within the boundaries of sound judgment, the officer can apply the test as best fits the case at hand. A rigid measurement of the amount of capital would remove any adaptability to the particulars of the enterprise. The Department would be opposed to removing this flexibility of the test by establishing an inflexible progressive scale of percentages, such as an actuarial table. Although such a device might be superior to a set dollar figure as sole criterion, it would still lack the element of flexibility found in the current requirement.

The Department has heretofore not set a minimum dollar figure as the sole criterion to meet this requirement, although doing so would facilitate the administration of this provision. Congress, aware of the Department's interpretation of "substantial investment" over the years, has never legislated a set dollar figure. As recently as the Immigration Act of 1990, which specifically addresses the issue of substantiality, Congress did not set a dollar amount but left the framing of a definition to the Secretary of State

whose agency has been applying the same test for many years. There is serious question whether a set dollar amount as sole criterion could be established in light of the country's treaty obligations under the treaties of Friendship, Commerce, and Navigation and the other treaties which extend the privilege of treaty alien status. The treaty alien visa standards being applied today by the Visa Office have established in the past, and will continue to establish, a pertinent basis for treaty negotiations to extend such visa privileges. That factor alone limits the extent to which the current interpretation of substantiality can be altered.

Nevertheless, the nature of business has changed dramatically since enactment of the INA. In 1952, business investment generally entailed manufacturing, the marketing of goods, or other business activities relating to tangible items. Service as a business commodity has developed relatively recently, long after Congress could have considered it when drafting the treaty investor provisions. When originally setting the standard for substantial trade, the Department of State determined that the flexible test would accommodate investments into businesses of all sizes. In view of the evolving character of business in the United States with service enterprises becoming ever more prevalent, the total cost of establishing a business in some cases has dropped dramatically, well below $100,000. With more and more service businesses becoming established, more and more enterprises of minimal investment are being created. The question with which the Department has been grappling is whether such a small amount of capital could, standing alone, in any circumstance, be considered substantial? Is this the kind of infusion of capital into the United States that the Congress had in mind when it enacted the treaty investor provisions in 1952 or when these treaties were negotiated?

The question that confronts us now is how to balance all the competing interests which would include: the creation of a test that retains the flexibility of the current test; the development of a standard that is administrable; and the formulation of a rule that most accurately represents the objective of this classification. To satisfy these tests the Department seriously considered establishing a floor of $100,000 with a 100% investment of qualifying capital. The proportionality test would have applied from that point upward. The reasons for such a floor were: (1) Most investments of $100,000 or less would require 100 or slightly less percentage of qualifying investment; (2) as the proportionality test in the extreme would recognize that a large investment would qualify per se regardless of the percentage, why not in the opposite extreme recognize a minimum; and (3) the intent of the treaties and the legislators come into question in light of the disparity between disqualifying a million dollar investment in a ten million dollar enterprise as not being substantial, yet considering a 100% investment of $15,000 in a small enterprise to be substantial. The Department believes such a floor to the proportionality test would balance all competing interests.

The purpose and the intent, however, of these treaties is to create and enhance a commercial relationship between the United States and the treaty partner. It is intended to be sufficiently flexible to encourage all entrepreneurs regardless of the size of the investment. To remain true to this spirit, the Department believes that the current definition should be retained with some modification. The negotiators of these treaties are also in accord, as they believe that a floor might be inconsistent with recently negotiated treaties, if not with long-established treaty relationships.

The proportionality test is modified in a fashion which the Department believes will retain its flexible quality. Three levels of percentage of investment, reflecting the current application of the proportionality test, are published as presumptions of compliance with the definition of substantiality. It is important to note that these percentage are presumptive and not conclusive. If the investment percentage meets or exceeds the published percentage, then that investment will be presumed by the adjudicating officer to be substantial. If, however, an investment falls short of the published percentage, the applicant can persuade the adjudicator of the investment's substantiality, as is done in each case presently.

This device clearly informs the potential investor of the present application of the proportionality test and provides the applicant of assurance that an investment of a certain percentage would meet the requirement of substantiality. At the same time it gives the adjudicator, the consular officer or the INS examiner, a more quantitative standard to implement.

Marginality

The alien must not be investing in a marginal enterprise solely for the purpose of earning a living. As the objective of this visa classification is to stimulate the economy by the infusion of substantial amounts of capital in successful businesses, this requirement seeks to disqualify aliens who purchase or establish businesses from which the alien merely ekes out a living. The strong inference is that the alien invests generally discretionary funds. To stay true to the objective of this requirement by controlling the quality of the investments, the Department proposes to restate the test. Currently, a marginal enterprise will generate no more income than is necessary for the alien to earn a living and support the family. Although outside income of the investor is an appropriate consideration, it should not be the fulcrum issue. The focus should be appropriately shifted from the individual to the enterprise. Consequently, it is proposed that alien demonstrate that the business has the potential to return an amount significantly more than necessary to support the alien and his family. It is the capacity of the business to generate income that more accurately speaks to its viability. If the applicant cannot establish the capacity of the enterprise to generate such a return, then the alien must satisfy the consular officer that the business will have a significant positive economic impact, such as by generating employment.

Develop and Direct

The treaty alien must be in a position to develop and direct the enterprise. Majority ownership has been the traditional means of meeting this requirement. But in this day of creative business structures, including joint ventures and partnerships, control can be achieved by ownership, holding stock proxies, possessing certain management responsibilities, etc., or any combination of such factors.

Employee: Executive or Supervisor

The treaty alien employee must be in a position requiring executive and/or supervisory responsibilities or if employed in a lesser capacity must possess special skills which are essential to the successful operation of the enterprise. The Department has not crafted a comprehensive definition for these two classes of employees but has rather in the FAM described characteristics of these types of employees leaving to consular officers the responsibility for exercising best judgment in each case. This approach instills great flexibility in the definitions permitting adaptability to the particularities, whether it is size,

structure, or some other characteristic, of the enterprise seeking to bring employees into this country under this visa status.

It has been suggested that the definition of "managerial capacity" and "executive capacity" created by section 123 of the Immigration Act of 1990, Public Law 101–649, establishing INA 101(a)(44) might apply to INA 101(a)(15)(E). By specific reference, that INA 101(a)(14) definition applies to section 124 (Transition for Employees of Certain United States Businesses Operating in Hong Kong) and by use of the same terminology it applies to INA 203(b)(1)(C), as created by section 121 of Public Law 101–649, and INA 101(a)(15)(L). The language in INA 101(a)(15)(E) is not compatible with this definitional section, nor is there any specific statutory reference that might tie the two sections together. The House and Conference reports are silent on the issue. The Department has read this silence to mean that the definitional provisions do not apply and are not intended to apply to the treaty visa classification. This reading has been confirmed in discussion with the appropriate congressional staffers.

The thrust of the Department's definition is to require the treaty alien to prove that the executive/supervisory/managerial element of the position to be held must constitute the principal and primary function of the position. The position accords the alien ultimate control and responsibility for the firm's overall operations or a major component thereof. If the position does not require the management of persons then it must involve the "management" of products, policy, etc.

Essential Employee

An employee in a lesser capacity must possess special skills which are essential to the successful operation of the enterprise. The extent of specialization of the alien's skills and the degree to which they are essential are determined by assessing the expertise of the alien in the area of specialization, the uniqueness of the specific skills, the length of experience and training with the enterprise, the period of training needed to perform the contemplated duties, the salary this special expertise can command, and the need for such expertise.

Under the current guidelines and in accordance with the proposed regulations the duration of essential skills must be proven by the visa applicant. Aliens with unique skills might be able to stay indefinitely, as such skills might remain unique and the need for them might continue. Other skills, although highly specialized on some date, might after the passage of time become commonplace, thus, making it difficult to demonstrate a need for such skills. Some workers with ordinary skills might be admitted to the United States for a short term as agreed upon by the consular officer and the treaty alien to perform work necessary for the business to start-up a new enterprise generally or to start-up a new product, etc. This last class of employees, who are essential only because of proprietary knowledge of the enterprise's operations, is the only level of employment which has required the employer to train United States workers.

In addition to incorporating these concepts into the proposed regulations, the Department proposes to make the implicit training requirement explicit. The alien will have to demonstrate to the consular officer either that the nature of the prospective employment is such that the alien's eventual replacement by a United States worker is not feasible or that the employer is making reasonable and good faith efforts to recruit and/or train United States workers to perform the responsibilities of the alien's prospective employment.

Intent to Depart

Unlike some other nonimmigrant classifications, the statute does not impose a requirement regarding the maintenance of a residence abroad or that the trip be temporary. By regulation, 22 CFR 41.51, the Department has codified congressional intent on the issue of nonimmigrant intent by requiring the treaty alien to possess the intent to depart the United States upon termination of treaty alien visa status. In the absence of any maximum periods of admission, which would probably violate the spirit, if not the exact language, of the treaties, this provision permits the treaty alien to stay in the United States indefinitely.

Proposed Regulations

The proposed regulations of § 41.51 would: Provide a general definition of treaty trader (paragraph (a)); provide a definition of treaty investor (paragraph (b)); define an alien employee (paragraph (c)); extend treaty classification to the spouse and children of the treaty alien (paragraph (d)); and accord "E" status to certain foreign information media (paragraph (e)). The remaining paragraphs constitute definitional provisions.

This rule is not considered to be a major rule for purposes of E.O. 12291 nor is it expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 22 CFR Part 41

Aliens, Treaty trader or Investor.

In view of the legislative mandate of Public Law 101–649, part 41 to title 22 would be amended as follows.

PART 41—[AMENDED]

1. The authority citation for part 41 is revised to read:

Authority: Sec. 104, 66 Stat. 174, 8 U.S.C. 1104, sec. 109(b)(1), 91 Stat. 847; sec. 204, 104 Stat. 5019, 8 U.S.C. 1101 note.

2. Part 41, subpart F—Business and News Media, is amended by revising § 41.51 to read as follows:

§ 41.51 Treaty trader or investor.

(a) *Treaty Trader.* An alien is classifiable as a nonimmigrant treaty trader (E–1) if the consular officer is satisfied that the alien qualifies under the provisions of INA 101(a)(15)(E)(i) and that the alien:

(1) Will be in the United States solely to carry on trade of a substantial nature, which is international in scope, either on the alien's behalf or as an agent of a foreign person or organization engaged in trade, principally between the United States and the foreign state of which the alien is a national, consideration being given to any conditions in the country of which the alien is a national which may affect the alien's ability to carry on such substantial trade; and

(2) Intends to depart from the United States upon the termination of E–1 status.

(b) *Treaty Investor.* An alien is classifiable as a nonimmigrant treaty investor (E–2) if the consular officer is satisfied that the alien qualifies under the provisions of INA 101(a)(15)(E)(ii) and that the alien:

(1) Has invested or is actively in the process of investing a substantial amount of capital in a bona fide enterprise in the United States, as distinct from a relatively small amount of capital in a marginal enterprise solely for the purpose of earning a living; and

(2) Is in a position to develop and direct the enterprise; and

(3) Intends to depart from the United States upon the termination of E–2 status.

(c) *Employee of Treaty Trader or Investor.* An alien employee of a treaty trader may be classified E–1 and an alien employee of a treaty investor may be classified E–2 if the employee is or will be engaged in duties of an executive or supervisory character, or, if employed in a minor capacity, the employee has

special qualifications that make the services to be rendered essential to the efficient operation of the enterprise. The employer must be:

(1) A person having the nationality of the treaty country, who is maintaining the status of treaty trader or investor if in the United States; or

(2) An organization at least 50 percent owned by persons having the nationality of the treaty country who are maintaining nonimmigrant treaty trader or investor status if residing in the United States.

(d) *Spouse and Children of Treaty Alien.* The spouse and children of a treaty alien accompanying or following to join the treaty alien are entitled to the same classification as the principal alien. The nationality of a spouse or child of a treaty alien is not material to the classification of the spouse or child under the provisions of INA 101(a)(15)(E).

(e) *Representative of Foreign Information Media.* Representatives of foreign information media shall first be considered for possible classification as nonimmigrants under the provisions of INA 101(a)(15)(I), before consideration is given to their possible classification as nonimmigrants under the provisions of INA 101(a)(15)(E) and of this section.

(f) *Treaty Country.* A treaty country is for purposes of this section a foreign state with which a qualifying Treaty of Friendship, Commerce, and Navigation or its equivalent exists with the United States. A treaty country includes a foreign state which is accorded treaty visa privileges under this section by legislation.

(g) *Nationality of the Treaty Country.* The nationality of an individual treaty alien is determined by the authorities of the foreign state of which the alien claims nationality and, in the case of an organization, ownership must be traced as best as is practicable to the individuals who ultimately own the organization.

(h) *Trade.* The term "trade" as used in this section means the existing international exchange of qualifying items of trade for consideration between the United States and the treaty country. This exchange must be traceable and identifiable. Title to the trade item must pass from one treaty party to the other.

(i) *Item of Trade.* Items which qualify for trade within these provisions include but are not limited to goods, services, monies, international banking, insurance, transportation, tourism, communications, and some news gathering activities.

(j) *Substantial Trade.* Substantial trade in this section entails the quantism of a continuous flow of trade items between the United States and the treaty country. This continuous flow contemplates numerous transactions rather than a single transaction regardless of the monetary value. Although the monetary value of the trade item being exchanged is accorded favorable consideration, greater weight is given to cases involving more numerous transactions of larger value.

(k) *Principal Trade.* Trade principally between the United States and the treaty country means that over 50 percent of the volume of international trade of the treaty trader must be conducted between the United States and the treaty country of the treaty trader's nationality.

(l) *Investment.* Investment means the placing of funds or other capital assets at risk in the commercial sense with the objective of generating a profit. The funds must be subject to partial or total loss if investment fortunes reverse. Such investment capital must be the investor's unsecured personal business capital or capital secured by personal or business assets. Capital which is in the process of being invested or has been invested must be irrevocably committed to the enterprise. The alien must be in possession of and have control over the capital invested or being invested.

(m) *Bona fide enterprise.* The enterprise must be a real and active commercial or entrepreneurial undertaking, producing some service or commodity for profit.

(n) *Substantial amount of capital.* A substantial amount of capital constitutes that amount which is sufficiently ample to ensure the investor's financial commitment to the successful operation of the enterprise as measured by the proportionality test. The proportionality test compares the total amount invested in the enterprise with the amount of the cost of establishing a viable enterprise of the nature contemplated or the amount of capital needed to purchase an existing enterprise. Such comparison constitutes the percentage of the treaty alien's investment in the enterprise. That percentage must compare favorably in the fashion of an inverted sliding scale starting with a high percentage of investment for a lower cost enterprise. The percentage of investment decreases at a gradual rate as the cost of the business increases. An amount of capital invested in an enterprise is merely presumed to be substantial for purposes of this section when it meets or exceeds the percentage figures given in the following examples:

(1) 75% investment in an enterprise costing no more than $500,000;

(2) 50% investment in an enterprise costing more than $500,000 but no more than $3,000,000;

(3) 30% investment in any enterprise costing more than $3,000,000.

(o) *Marginal Enterprise.* A marginal enterprise is an enterprise which does not have the capacity to generate significantly more than enough income to provide a living for the alien and family. Even absent such a capacity, however, an enterprise which is making a significant economic impact is not a marginal enterprise.

(p) *Position to develop and direct.* The business or individual investor is in a position to develop and direct the enterprise by controlling the enterprise through ownership of at least 50 percent of the business, possessing operational control through a marginal position or other corporate device, or by other means must be in a position to control the enterprise.

(q) *Executive or supervisory character.* The executive or supervisory element of the employee's position must be a principal and primary function of the position and not an incidental or collateral function. Executive and/or supervisory duties grant the employee ultimate control and responsibility for the enterprise's overall operation or a major component thereof.

(1) An executive position provides the employee great authority to determine policy of and direction for the enterprise.

(2) A position primarily of supervisory character grants the employer supervisory responsibility for a large proportion of an enterprise's operations and does not involve the supervision of low-level employees.

(r) *Special qualifications.* Special qualifications of an alien employed in a lesser capacity are those skills which are essential to the successful operation of the enterprise.

(1) The essential nature of the alien's skills to the employing firm is determined by assessing the degree of proven expertise of the alien in the area of specialization, the uniqueness of the specific skills, the length of experience and training with the firm, the period of training needed to perform the contemplated duties, and the salary the special expertise can command.

(2) The alien possessing special qualifications must satisfy the consular officer either that the nature of the prospective employment is such that the alien's eventual replacement by a United States worker is not feasible or that the employer is making reasonable and good faith efforts to recruit and/or train United States workers to perform

the responsibilities of the alien's prospective employment.

Dated: August 13, 1991.

John H. Adams,

Acting Assistant Secretary for Consular Affairs.

[FR Doc. 91-20838 Filed 8-30-91; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-70-91]

RIN 1545-AP93

Taxation of Tax-Exempt Organizations' Income From Ordinary and Routine Investments in Connection With a Securities Portfolio; Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of public hearing on proposed regulations relating to the taxation of tax-exempt organizations' income from ordinary and routine investments in connection with a securities portfolio.

DATES: The public hearing will be held on Friday, December 6, 1991, beginning at 10 a.m. Requests to speak and outlines of oral comments must be received by Friday, November 22, 1991.

ADDRESSES: The public hearing will be held in the Internal Revenue Service Auditorium, Seventh floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T:R, (EE-70-91), room 5228, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Carol Savage of the Regulations Unit, Assistant Chief Counsel (Corporate), 202-377-9236 or (202) 566-3935 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 509, 512 and 4940 of the Internal Revenue Code. The proposed regulations appear elsewhere in this issue of the **Federal Register.**

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Friday, November 22, 1991, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be permitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 91-21039 Filed 8-30-91; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Parts 1 and 53

[EE-70-91]

RIN 1545-AP93

Taxation of Tax-Exempt Organizations' Income From Ordinary and Routine Investments in Connection With a Securities Portfolio

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the regulations governing the taxation of tax-exempt organizations' unrelated business taxable income. Changes to the relevant tax laws were made in 1978. At that time, Congress amended the tax laws to ensure that tax-exempt organizations would not have to pay unrelated business income tax on net income from certain securities loans. A related amendment extended the coverage of the excise tax on private foundations' net investment income to this net income. More recently, the Internal Revenue Service (hereinafter the "Service") and the Treasury Department have received public comments expressing concern about the potential application of the unrelated business income tax to tax-exempt organizations' income and expenses from a variety of ordinary and routine investments in connection with a securities portfolio. These proposed regulations conform the regulations to the 1978 statutory amendments and clarify the treatment of income and deductions from exempt organizations' ordinary and routine investments in connection with a securities portfolio.

DATES: Written comments, requests to appear, and outlines of oral comments to be presented at a public hearing scheduled for Friday, December 6, 1991, at 10 a.m., must be received by November 22, 1991. See notice of hearing published elsewhere in this issue of the **Federal Register.**

ADDRESSES: Send comments, requests to appear at the public hearing, and outlines to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attention: CC:CORP:T:R (EE-70-91), room 5228, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Jerry Walsh Skelly, at (202) 566-3505 (not a toll-free number). Concerning the hearing, Carol Savage, Regulations Unit, at (202) 377-9236 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Although generally exempt from federal income taxation, an organization described in section 501(a) of the Internal Revenue Code of 1986 must pay tax on its "unrelated business taxable income," as defined in section 512. Section 512(a)(1) defines "unrelated business taxable income" (hereinafter "UBTI") as generally meaning gross income from any regularly carried on unrelated trade or business (as defined in section 513) less certain deductions, computed with the modifications provided in section 512(b).

Section 512(b) provides various exclusions from and modifications of UBTI. As enacted, section 512(b)(1) excluded from UBTI all dividends, interest, and annuities, and all deductions directly connected with such income and section 512(b)(5) excluded gains or losses from certain non-dealer dispositions of non-inventory property. Congress' rationale for excluding these and similar items of income from UBTI was that "they are 'passive' in character and are not likely to result in serious competition for taxable businesses having similar income." S. Rep. No. 81-2375, 81st Cong., 2d Sess. 30 (Aug. 22, 1950). In addition, Congress believed "that such 'passive' income should not be taxed where it is used for exempt purposes because investments

producing incomes of these types have long been recognized as proper." H.R. Rep. No. 81–2319, 81st Cong., 2d Sess. 38 (June 23, 1950).

In 1969, Congress amended section 512(b)(4) to provide that notwithstanding section 512(b) (1) or (5), otherwise excludible investment income is included in UBTI in the case of debt-financed property (as defined in section 514(b)) with respect to which there is an acquisition indebtedness (as defined in section 514(c)).

In 1976, Congress amended section 512(b)(5) to exclude from UBTI "all gains on the lapse or termination of options, written by the [exempt] organization in connection with its investment activities, to buy or sell securities." The rationale for this amendment was that taxing income from the lapse or termination of options "is inconsistent with the generally tax-free treatment accorded to exempt organizations' income from investment activities." S. Rep. No. 94–1172, 94th Cong., 2 Sess. 3 (1976). In making clear that this exclusion would not apply where an exempt organization held options or the underlying securities as inventory or for sale to customers in the ordinary course of a trade or business, Congress reasoned that "such activities go beyond the concept of production of investment income that is intended to be exempted." *Id.* at 4.

In 1978, Congress again considered the taxation of a type of investment income earned from ordinary and routine investment activities in connection with an exempt organization's securities portfolio, specifically, payments from securities loans. Congress' response was to add to the section 512(b)(1) exclusion "payments with respect to securities loans (as defined in section 512(a)(5))." This ensured that the unrelated business income tax generally does not apply to an exempt organization's income from lending securities to short sellers.

At the same time, Congress made conforming amendments to sections 509(e) and 4940(c)(2). The amendments included in the definition of the term "gross investment income," for purposes of these sections, "payments with respect to securities loans (as defined in section 512(a)(5))."

Recent public comments received by the Service and the Treasury Department have requested clarification of the application of the unrelated business income tax to several ordinary and routine investment transactions in which tax-exempt organizations could engage with respect to their securities portfolios. In particular, questions have arisen about the potential application of the unrelated business income tax to the periodic income or expense derived from interest rate and currency swap transactions.

Discussion of Proposed Amendments

The proposed regulation amends the regulations under section 512(b)(1) to conform to and incorporate the 1978 statutory amendment. In addition, the proposed regulation responds to the recent public comments by clarifying that section 512(b)(1) generally excludes not only dividends, interest, payments with respect to securities loans, and annuities, but also, to the extent determined by the Commissioner in a revenue ruling, substantially similar income from an exempt organization's ordinary and routine investments in connection with a securities portfolio. The proposed regulation makes corresponding amendments to the regulations under sections 509(e) and 4940(c)(2).

The text of a revenue ruling proposed to be issued under the authority of this regulation follows:

Rev. Rul. ____ – ____

Purpose

This revenue ruling sets forth a determination of the Commissioner regarding the "substantially similar income from ordinary and routine investments in connection with a securities portfolio" described in § 1.512(b)–1(a) of the Regulations. This revenue ruling is promulgated pursuant to the authority granted in section 7905 of the Internal Revenue Code and §§ 1.512(b)–1(a), 1.509(a)–3(a)(3), and 53.4940–1(d)(1) of the Regulations.

Holding

For purposes of sections 512(b), 509(e), and 4940(c)(2), income from interest rate swaps and currency swaps has been determined by the Commissioner, in accordance with § 1.512(b)–1(a) of the Regulations, to be "substantially similar income from ordinary and routine investments in connection with a securities portfolio." This determination is effective with respect to amounts received after August 30, 1991.

The Service and the Treasury Department specifically request comments on the items included in this revenue ruling as well as on any items that may be appropriate to add to the revenue ruling.

The exclusion under section 512(b)(1) is not absolute. For example, under section 512(b)(4), the section 512(b)(1) exclusion would not apply where an exempt organization incurs debt in connection with the acquisition or carrying of an interest rate swap contract. The proposed regulation does not affect this result.

The proposed regulation also does not affect the exclusion from UBTI of certain gains or losses under section 512(b)(5). For example, the proposed regulation would not affect the treatment of any gain or loss from the extinguishment, assignment, or other disposition of an interest rate swap position. Instead of looking to section 512(b)(1), an exempt organization that disposes of an investment (*e.g.*, an interest rate swap position) should determine whether the gain or loss is excluded from UBTI under section 512(b)(5). A non-dealer exempt organization's gain or loss from sales or other dispositions of non-inventory property would be excluded from UBTI under section 512(b)(5).

The fact that this proposed regulation excludes certain income from UBTI is not intended to affect determinations under any relevant fiduciary standards of state or federal law.

Proposed Effective Date

The proposed amendments to the regulations are proposed to be effective with respect to amounts received after August 30, 1991.

Special Analyses

It has been determined that this rule is not a major rule as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 533(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to this regulation, and, therefore, an initial Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this regulation will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests to Appear at a Public Hearing

Before adopting this proposed regulation, consideration will be given to any written comments that are timely submitted (preferably a signed original and eight copies) to the Internal Revenue Service. All comments will be available for public inspection and copying in their entirety. A public hearing will be held beginning at 10 a.m. on Friday, December 6, 1991, in the Internal Revenue Service Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Comments, requests to appear and outlines of oral comments to be submitted at the public hearing must be received by November 22, 1991. See notice of public hearing published

elsewhere in this issue of the **Federal Register.**

Drafting Information

The principal author of this regulation is Jerry Walsh Skelly, Office of Assistant Chief Counsel (Employee Benefits and Exempt Organizations), Internal Revenue Service. However, personnel from other offices of the Service and the Treasury Department participated in its development.

List of Subjects

26 CFR 1.507–1 through 1.514(g)–1

Foundations, Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 53

Excise taxes, Foundations, Investments, Reporting and recordkeeping requirements, Trusts and trustees.

Proposed Amendment to the Regulations

The proposed amendments to 26 CFR parts 1 and 53 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority for part 1 continues to read in part:

Authority: Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805 * * *

Par. 2. In § 1.509(a)–3, paragraph (a)(3)(i) is amended by adding a new sentence at the end to read as follows:

§ 1.509(a)–3 Broadly, publicly supported organizations.

(a) * * *

(3) * * *

(i) * * * For purposes of section 509(e), "gross investment income" includes, with respect to amounts received after August 30, 1991, the "substantially similar income from ordinary and routine investments in connection with a securities portfolio" described in § 1.512(b)–1(a) and listed in any revenue ruling issued under authority of that section.

* * * * *

Par. 3. In § 1.512(b)–1, paragraph (a) is amended by revising the heading, and removing the first sentence and adding four new sentences in its place to read as follows:

§ 1.512(b)–1 Modifications.

* * * * *

(a) *Certain Investment Income.* Excluded in computing unrelated business taxable income shall be the following items of income and the deductions directly connected therewith: dividends; interest; payments with respect to securities loans (as defined in section 512(a)(5)); annuities; and, to the extent determined by the Commissioner in a revenue ruling, substantially similar income from ordinary and routine investments in connection with a securities portfolio. The exclusion of certain "substantially similar income"does not apply to gains or losses from the sale, exchange, or other disposition of any property, nor does it apply to gains or losses from the lapse or termination of options to buy or sell securities. For rules regarding the treatment of such gains and losses, see section 512(b)(5) and § 1.512(b)–1(d). The exclusion under this paragraph (a) of certain "substantially similar income" is effective with respect to amounts received after August 30, 1991.

* * * * *

PART 53—FOUNDATION AND SIMILAR EXCISE TAXES

Par. 4. The authority citation for part 53 continues to read in part:

Authority: Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805 * * *

Par. 5. In § 53.4940–1, paragraph (d)(1) is amended by adding a new sentence at the end to read as follows:

§ 53.4940–1 Excise tax on net investment income.

* * * * *

(d) * * *

(1) * * * For purposes of paragraph (c) of this section, "gross investment income" also includes, with respect to amounts received after August 30, 1991, the "substantially similar income from ordinary and routine investments in connection with a securities portfolio" described in § 1.512(b)–1(a) and listed in any revenue ruling issued under authority of that section

* * * * *

Richard Voskuil,

Acting Commissioner of Internal Revenue.

[FR Doc. 91–21040 Filed 8–30–91; 8:45 am]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[WH–FRL–3992–9]

National Primary Drinking Water Regulations; Radionuclides

AGENCY: Environmental Protection Agency.

ACTION: Notice of corrections to proposed rule.

SUMMARY: This notice corrects errors in the address of public hearings for the proposed regulations for radionuclides in drinking water, published in the **Federal Register** on July 18, 1991 (56 FR 33050). It also corrects several technical errors in that notice.

FOR FURTHER INFORMATION CONTACT: Gregory Helms at (202) 260–7575, U.S. EPA Office of Ground Water and Drinking Water, Drinking Water Standards Division.

SUPPLEMENTARY INFORMATION: The U.S. Environmental Protection Agency proposed national primary drinking water standards for a group of radionuclide contaminants in drinking water on July 18, 1991 (56 FR 33050). The preamble in that **Federal Register** notice contained several errors. This notice corrects those errors.

The July 18 notice contains two errors in the addresses of the public hearings as follows:

Washington, DC public hearing: The address of the Crystal City Marriott is incorrectly listed as 1111 Jefferson Davis Highway, Arlington, VA.

The correct address of the Crystal City Marriott is 1999 Jefferson Davis Highway, Arlington. The phone number there is (703) 521–5500.

Chicago public hearing: The designation "South" in the address of the EPA Region 5 office, at 230 South Dearborn Street, Chicago, was left out of the announcement.

In addition, appendix C of the July 18 notice presents incorrect risk estimates for several isotopes of uranium. This notice corrects that error by deleting all uranium radioisotopes from appendix C, on page 33121 of the notice. The correct information on uranium risks is presented in the discussion of uranium health effects, on pages 33076–33078 of the July 18 **Federal Register**, and in the Drinking Water Criteria Document for Uranium, June 1991, reference EPA 1991e in the July 18 notice.

Page 33105 of the July 18 notice incorrectly states that gross beta measurements would be allowed to be used as a screen for radium 228. The gross beta PQL is 30 pCi/1, which is higher than the proposed radium 228 MCL (20 pCi/1), and it cannot therefore be useful as a screen for compliance with the radium 228 MCL.

The reference for the analytic method for measuring lead–210 in water was left out of the text on page 33106. It appears on the reference list as EPA 1982.

On page 33125, third column, § 141.44 is corrected by adding a new sentence

to the end of paragraph (a) to read as follows:

§ 141.44 Special monitoring for radionuclides.

(a) * * * In conducting monitoring systems should use EPA Analytic Method 909.

* * * * *

On pages 33050 and 33071 the ICRP was incorrectly identified. The correct name for the ICRP is the International Commission on Radiological Protection.

Dated: August 27, 1991.

James R. Elder,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 91-21135 Filed 8-30-91; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 264, 265, 280, 761

[FRL-3991-4]

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Financial Responsibility

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period; notice of data availability.

SUMMARY: EPA today extends, until October 14, 1991, the comment period for certain portions of a rule proposed on July 1, 1991 (56 FR 30201). The proposed rule would amend several provisions of the financial responsibility regulations at 40 CFR parts 264 and 265 subpart F, which were promulgated under the Resource Conservation and Recovery Act. Today's extension applies only to the provisions of the proposed rule related to the corporated financial test revisions. The Agency is also making additional data available for public comment in the docket for that rulemaking (F-91-RCFP-FFFFF). The Agency is extending the comment period and making additional data available in response to two requests it received from commenters.

DATES: Comments on the proposed revisions to the corporate financial test must be submitted on or before October 14, 1991. Comments on other provisions of the proposed rule must be submitted on or before August 30, 1991.

ADDRESSES: Written comments on the July 1, 1991 proposal should be addressed to the docket clerk at the following address: Environmental Protection Agency, RCRA Docket (OS-305), 401 M St. SW., Washington, DC 20460. Commenters should send one original and two copies and place the docket number (F-91-RCFP-FFFFF) on the comments. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal holidays. Docket materials may be reviewed by appointment by calling (202) 475-9327. Copies of docket materials may be made at no cost, with a maximum of 100 pages of materials from any one regulatory docket. Additional copies are $.15 per page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline at 1-800-424-9346 (in Washington, DC call 382-3000), or Ed Coe, at (202) 382-6259, Office of Solid Waste (OS-341), U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: On July 1, 1991 the Agency proposed amendments to the financial assurance requirements under subtitle C of the Resource Conservation and Recovery Act (56 FR 30201). Following publication of that proposed rule, two commenters requested that the Agency extend the comment period for the provisions related to the corporation financial test. In addition, one of the commenters requested that the Agency make available additional data related to the financial test revisions, specifically, information about the bankrupt facilities that the Agency used in its analysis.

In response to commenters' requests, the Agency today extends, until October 14, 1991, the comment period for those portions of the July 1, 1991 proposal related to the corporate financial test. In addition, the Agency has made available in the docket for the July 1, 1991 proposal (docket number F-91-RCFP-FFFFF) the requested data related to the bankrupt firms that the Agency used in the financial test analysis.

It should be noted that the proposed rule would amend the financial assurance requirements in four areas. It would: (1) Revise the criteria of the corporate financial test, (2) amend certain provisions related to third party liability, (3) expand the applicability of the guarantee as a demonstration of financial assistance for closure and post-closure care, and (4) amend the post-closure deed notice requirements. Today's extension only affects the comment period for the portions of the rule proposing revisions to the financial test. This extension does not affect the comment period for the other provisions of the rule.

In addition to the information requested by commenter, the Agency has also provided for public comment in the docket for the July 1 proposal a financial test developed by Meridian Research, Inc. and submitted to the Agency for consideration.

Authority: Section 3004 RCRA as amended, 42 U.S.C. 6924.

Dated: August 23, 1991.

Richard Guimond,

Acting Assistant Administrator.

[FR Doc. 91-20989 Filed 8-30-91; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 795, 798, and 799

[OPTS-42115A; FRL 3795-7]

Brominated Flame Retardants (group I): Proposed Rule; Extension of Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule: Notice of public meeting and extension of comment period.

SUMMARY: EPA is extending the written comment period for the brominated flame retardants (group I) proposed rule published in the **Federal Register** on June 25, 1991. EPA is also announcing a public meeting to discuss the proposed rule to be held on November 20, 1991. EPA is extending the comment period at the request of the Chemical Manufacturers Association Brominated Flame Retardant Industry Panel which indicated generally that gathering and compiling data required more time.

DATES: Written comments should be submitted on or before October 10, 1991. A public meeting will be held on November 20, 1981, from 9:30 a.m. to 11:30 a.m. For further information on arranging to speak at the meeting see the section of this notice entitled "Public Meeting".

ADDRESSES: Submit written comments in triplicate, identified by the document control number OPTS-42115A, to: TSCA Public Information Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, rm. NE G004, 401 M St., SW., Washington, DC 20460. The Public record supporting this action is available for public inspection and copying at the TSCA Public Information Office, in rm. NE G004, at the address given, from 8 a.m. to 12 noon, and 1 p.m. to 4 p.m. Monday through Friday, except legal holidays.

Information submitted on any comment concerning this proposed rule may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A

copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be disclosed publicly by EPA by placing it in the public record without prior notice to the submitter. The meeting will be held at EPA headquarters, 401 M St., SW., Washington, DC, 20460, room 101, Northeast Mall.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, rm. E-543B, 401 M St., SW., Washington, DC 20460. (202-554-1404), TDD: (202-554-0551).

SUPPLEMENTARY INFORMATION: EPA is extending the comment period and announcing a public meeting on the proposed brominated flame retardant test rules.

I. Extension of Comment Period

In the **Federal Register** published on June 28, 1991, (56 FR 29140), EPA proposed health and environmental effects and chemical fate testing for brominated flame retardants (group I) under section 4 of the Toxic Substance Control Act (TSCA). Testing was proposed because EPA has concluded that: activities involving these BFRs may pose an unreasonable risk of injury to human health or the environment as suggested by certain preliminary data; existing data are inadequate to assess the risks to human health and the environment posed by exposure to these substances; and testing of each of the five BFRs is necessary to develop such data. The Chemical Manufacturers Association (CMA) Brominated Flame Retardant Industry Panel (BFRIP) requested a 90-day extension of the comment period. BFRIP cited several reasons for the extension including: (1) The extensiveness of the proposed testing; (2) the addition of three new or modified test guidelines, and two tests incorporated by reference; (3) the necessity of consulting with representatives of other companies within CMA and outside experts to adequately address the impact of this testing; (4) EPA's having recently proposed another rule, under 40 CFR part 766, that involves many of these same BFRs, and requires the attention of many of the same people who should also comment on this proposed rule; and (5) BFRIP's anticipation that compiling and coordinating all of the anticipated comments will require more time.

EPA considers BFRIP's request for an extension of the comment period reasonable for the reasons set forth in their request but believes a 90-day extension is unwarranted and would unreasonably delay final rulemaking for these chemicals. Therefore, EPA is extending the comment period for 45 days for the test rule brominated flame retardants (group I), until October 10, 1991.

II. Public Meeting

A public meeting will be held on November 20, 1991, at EPA Headquarters 401 M St., SW., Washington, DC, 20460, rm. 101 Northeast Mall, from 9:30 a.m. to 11:30 am to discuss the BFR's (group I) proposed rule. Persons who wish to attend or present comments at the meeting should call Mary Louise Hewlett (202) 260-8162 by November 7, 1991. While the meeting will be open to the public, active participation will be limited to those persons who arranged to present comments and to designated EPA participants.

Participants are requested to submit copies of their statements by the meeting date. These statements and a transcript of the meeting will become part of EPA's record for the rulemaking.

III. Rulemaking Record

EPA has established a record for this rulemaking, (docket number OPTS-42115A). This record contains the proposed rule published in the **Federal Register** on June 25, 1991. The information on which this extension of the comment period is based is listed below and has also been added to the record for this rulemaking:

CMA. Letter from Gordon D. Strickland, Chemical Manufacturers Association, to Linda J. Fisher, U.S. Environmental Protection Agency. Re: Proposed TSCA Section 4 Test Rule For Brominated Flame Retardants (Group I) — Docket No. OPTS-42115. July 30, 1991.

List of Subjects in 40 CFR Parts 795, 798, and 799

Chemicals, Chemical export, Chemical fate, Environmental effects, Environmental protection, Hazardous substances, Health effects, Laboratories, Reporting and recordkeeping requirements, Testing, Incorporation by reference.

Authority: 15 U.S.C. 2603.

Dated: August 22, 1991.

Joseph S. Carra,

Acting Director, Office of Toxic Substance.

[FR Doc. 91-20984 Filed 8-28-91; 12:53 pm]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-249, RM-7777]

Radio Broadcasting Services; Danville, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Susan Lynn Adair, seeking the allotment of FM Channel 288A to Danville, Arkansas, as that community's first local aural transmission service. Coordinates used for this proposal are 35-03-18 and 93-23-36.

DATES: Comments must be filed on or before October 18, 1991, and reply comments on or before November 4, 1991.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Eugene T. Smith, Esq., Law Offices of Eugene T. Smith, 715 G Street SE., Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-249, adopted August 12, 1991, and released August 27, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st St. NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-20970 Filed 8-30-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-252, RM-7650]

Radio Broadcasting Services; Opelousas and Berwick, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Cavaness Broadcasting, Inc., licensee of Station KVOL(FM), Channel 290A at Opelousas, Louisiana, proposing the substitution of Channel 290C3 for Channel 290A at Opelousas and modification of its license to specify operation on the higher powered channel. In order to accommodate the allotment of Channel 290C3 to Opelousas, we also propose to substitute Channel 295A for Channel 290A at Berwick, Louisiana, and to modify the license of Station KVPO(FM) accordingly. The licensee of Station KVPO(FM), Berwick, Louisiana, has been ordered to show cause as to why its license should not be modified as described above. See Supplemental Information, *infra*.

DATES: Comments must be filed on or before October 18, 1991, and reply comments on or before November 4, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Stuart A. Shorenstein, Esq., Lowenthal, Landau, Fischer & Ziegler, P.C., 250 Park Avenue, New York, New York 10177 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 654-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-252, adopted August 13, 1991, and released August 27, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Channel 290C3 and Channel 295A can be allotted to Opelousas and Berwick, Louisiana, respectively, in compliance with the Commission's minimum distance separation requirements. Channel 290C3 can be allotted to Opelousas, Louisiana, with a site restriction of 8.0 kilometers (5.0 miles) east to accommodate Cavaness Broadcasting Inc.'s desired site. The coordinates for Channel 290C3 at Opelousas are North Latitude 30-31-50 and West Longitude 92-00-00. Channel 295A can be allotted to Berwick, Louisiana, and can be used at Station KVPO(FM)'s licensed site. The coordinates for 295A at Berwick are North Latitude 29-45-27 and West Longitude 91-10-25. In addition, this proposal is contingent upon Station KCIL(FM) at Houma, Louisiana, receiving a license to operate on Channel 298C1 in accordance with the site specified in its outstanding construction permit (BPH-901026JQ). In accordance with Section 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 290C3 at Opelousas or require Cavaness Broadcasting, Inc., to demonstrate the availability of an additional equivalent class channel for use by such parties.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division Mass Media Bureau.

[FR Doc. 91-20969 Filed 8-30-91; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF ENERGY

48 CFR Part 970

Acquisition Regulation; Facilities Management

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department is proposing to amend the Department of Energy Acquisition Regulation (DEAR) to add a new subpart 970.72, Facilities Management, which will require DOE contractors who manage DOE facilities, to do so in accordance with certain DOE directives related to the subject. It specifies a contract clause, at 970.5204-57, to be used in any contracts that provide for contractor management of DOE-owned facilities. The effect would be to standardize the manner in which DOE and its management and operating (M&O) contractors manage DOE-owned facilities.

DATES: Written comments should be submitted no later than October 3, 1991.

ADDRESSES: Comments should be addressed to the Department of Energy, Procurement Policy Division, Office of Procurement, Assistance and Program Management PR-121, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Richard B. Langston, Office of Procurement, Assistance and Program Management (PR-121) Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8247.

Anne Troy, Office of the Assistant General Counsel for Procurement and Finance (GC-34), Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-1526.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 644 of the Department of Energy Organization Act, Public Law 95-91 (42 U.S.C. 7254), the Secretary of Energy is authorized to prescribe such procedure rules and regulations, as may be deemed necessary or appropriate, to accomplish the functions vested in the position. Accordingly, the DEAR was promulgated with an effective date of

April 1, 1984 (49 FR 11922, March 28, 1984), 48 CFR chapter 9.

The Department is proposing to amend the DEAR to specify a clause, at the newly added section 970.5204–57, Facilities management, that will be used in contracts calling for contractor management of DOE-owned facilities. Also proposed is the addition of a new subpart 970.72, Facilities management, which will prescribe the use of the clause.

II. Procedural Requirements

A. Review Under Executive Order 12291

This Executive Order, entitled "Federal Regulation," requires that certain regulations be reviewed by the Office of Management and Budget, (OMB) prior to their promulgation. The Director of OMB, by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rulemaking action.

B. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act of 1980, Public Law 96–354, which requires preparation of a regulatory flexibility analysis of any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Review Under the Paperwork Reduction Act

No new information collection or recordkeeping requirements are imposed by this proposed rulemaking. Accordingly, no OMB clearance is required under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.).*

D. Review Under Executive Order 12612

Executive Order 12612, entitled "Federalism," 52 FR 41685 (October 30, 1987), requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the national government and the States, or in the distribution of power and responsibilities among various levels of government. If there are sufficient substantial direct effects, then the Executive Order requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a policy action. Today's proposed rule, when finalized, will revise certain policy and procedural requirements. DOE has determined that none of the revisions will have a direct effect on the institutional interests or traditional functions of the States.

E. National Environmental Policy Act

DOE has concluded that promulgation of this rule would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 *et seq.*) (1976), the Council on Environmental Quality Regulations (40 CFR part 1500–1508), or the DOE Guidelines (10 CFR part 1021) and, therefore, does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

F. Public Hearing

The Department has concluded that this proposed rule does not involve a substantial issue of fact or law and that the rule should not have a substantial impact on the nation's economy or large numbers of individuals or businesses. Therefore, pursuant to Public Law 95–91, the DOE Organization Act, and the Administrative Procedures Act (5 U.S.C. 553), the Department does not plan to hold a public hearing on this proposed rule.

III. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to the proposed DEAR amendments set forth in this notice. Three copies of written comments should be submitted to the address indicated in the "ADDRESSES" section of this notice. All comments received will be available for public inspection in the DOE Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

All written comments received by October 3, 1991, will be carefully assessed and fully considered prior to publication of the proposed amendment as a final rule. Any person submitting information which that person believes to be confidential and which may be exempt from public disclosure should submit one complete copy, as well as an additional copy from which the information claimed to be confidential has been deleted. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination. DOE's generally applicable procedures for handling information, which has been submitted in a document and may be exempt from public disclosure, are set forth in 10 CFR 1004.11

List of Subjects in 48 CFR Part 970

Government procurement.

For the reasons set out in the preamble, part 970 of title 48 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, DC, on August 27, 1991.

Berton J. Roth,

Acting Director, Office of Procurement, Assistance and Program Management.

PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS

1. The authority citation for part 970 continues to read as follows:

Authority: Sec. 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201), sec. 644 of the Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7254), sec. 201 of the Federal Civilian Employee and Contractor Travel Expenses Act of 1985 (41 U.S.C. 420) and sec. 1534 of the Department of Defense Authorization Act of 1986, Pub. L. 99–145 (42 U.S.C. 7256a), as amended.

2. Section 970.5204–57 is added as set forth below:

970.5204–57 Facilities management.

Pursuant to 970.72 the following clause is to be used in contracts providing for contractor management of a DOE-owned facility or facilities.

Facilities Management (_____ 19____)

(a) *Site Development.* The Government shall provide to the contractor site development guidance for the facilities and lands for which the contractor is responsible under the terms and conditions of this contract. Based upon this guidance, the contractor shall prepare, and maintain through annual updates, a Long-Range Site Development Plan (Plan) to reflect those actions necessary to keep the development of these facilities current with the needs of the Government and allow the contractor to successfully accomplish the work required under this contract. In developing this Plan, the contractor shall follow the procedural guidance set forth in the DOE Directive entitled *Site Development Planning.* The contractor shall use the Plan to manage and control the development of facilities and lands. All plans and revisions shall be approved by the Government.

(b) *General Design Criteria.* The general design criteria which shall be utilized by the contractor in managing the site for which it is responsible under this contract are those specified in the DOE Directives entitled *General Design Criteria.* The contractor shall comply with these mandatory, minimally acceptable requirements for all facility design with regard to any building acquisition, new facility, facility addition or alternation or facility lease undertaken as part of the site development activities of paragraph (a)

above. This includes on-site constructed buildings, pre-engineered buildings, plan-fabricated modular buildings, and temporary facilities. For existing facilities, original design criteria apply to the structure in general; however, additions or modifications shall comply with this directive and the associated latest editions of the references therein.

(c) *Maintenance Management.* In its management of property, on the site for which it is responsible under this contract, the contractor shall comply with the provisions of the DOE Directive entitled *Maintenance Management Programs*, requiring the establishment and execution of a maintenance management program for all property under the contractor's control. The contractor shall maintain property for which it is accountable in a manner which promotes operational safety, environmental protection and compliance, property preservation, and cost effectiveness. Property shall be subject to a maintenance program designed to assure its ability to meet design requirements throughout the life of the property. This will include periodic examination of the property to determine any deterioration or technical obsolescence which may threaten performance or safety.

(d) *Energy Management.* The contractor shall manage the facilities for which it is responsible under the terms and conditions of this contract in an energy efficient manner in accordance with the DOE Directive entitled *In-House Energy Management.* The contractor shall develop a 10-year energy management plan for each site with annual reviews and revisions. The contractor shall submit an annual report on progress toward achieving the goals of the 10-year plan for each individual site, and an energy conservation analysis report for each new building or building addition project. Any acquisition of utility services by the contractor shall be conducted in accordance with 908.3

(e) *Capital Assets Management.* The contractor shall manage the planning, programming, and budgeting for the capital assets of the site for which the contractor is responsible under the terms and conditions of this contract according to, and consistent with, the requirements of the DOE Directive entitled *Capital Assets Management Process.* The contractor shall prepare and submit to the Contracting Officer all appropriate data and documents required by the Directive for that site.

(f) *Subcontract Requirements.* To the extent the contractor subcontracts performance of any of the responsibilities discussed in this clause, the subcontract shall contain the requirements of this clause relative to the subcontracted responsibilities.

3. Subpart 970.72 is added as follows:

Subpart 970.72—Facilities Management

970.7201 Policy.

Contractors managing DOE facilities shall be required to comply with the DOE Directives applicable to facilities management. To accomplish this, all management and operating contracts which include contractor management of a DOE-owned facility shall contain the clause at 970.5204–57, Facilities management, specifying the Directives applicable to the contractual situation at the DOE facility involved.

[FR Doc. 91–20900 Filed 8–30–91; 8:45 am]
BILLING CODE 6450–01–M

Notices

Federal Register
Vol. 56, No. 170
Tuesday, September 3, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of International Cooperation and Development

Clemson University; Grant and Cooperative Agreement Award

AGENCY: Office of International Cooperation and Development (OICD), USDA.

ACTION: Notice of intent.

ACTIVITY: OICD intends to enter into an agreement with Clemson University to provide partial funding support for collaborative international research on male sterility genes in watermelon.

AUTHORITY: Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99–198).

OICD announces the availability of funds in fiscal year 1991 (FY 1991) to enter into an agreement with Clemson University to collaborate on international research for "Male Sterility Genes in Watermelon and Their Use in Hybrid Seed Production." Approximately $14,080 will be made available to the University to conduct collaborative research with the People's Republic of China Northwestern Agricultural University. Assistance will be provided only to Clemson, which is contributing resources and experience to conduct the research. Funds provided by OICD will be used to supplement costs for supplies, a research associate, and travel.

Based on the above, this is not a formal request for application. An estimated $14,080 will be available in FY 1991 to support this work. It is anticipated that a total of $32,720 will be provided for this effort over a three-year period, subject to the availability of federally appropriated funds in future fiscal years.

Information on proposed Agreement may be obtained from: USDA/OICD/ Admin. Services, 0324 South Bldg. Washington DC 20250–4300.

Dated: August 27, 1991.

Nancy J. Croft,

Contracting Officer.

[FR Doc. 91–20928 Filed 8–30–91; 8:45 am]

BILLING CODE 3410-DP-M

University of Florida; Grant and Cooperative Agreement Award

AGENCY: Office of International Cooperation and Development (OICD), USDA.

ACTION: Notice of intent.

ACTIVITY: OICD intends to enter into an agreement with the University of Florida to provide partial funding support for collaborative international research on bacterial spot of tomato and pepper.

AUTHORITY: Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99–198).

OICD announces the availability of funds in fiscal year 1991 (FY1991) to enter into an agreement with Langston University to collaborate on international research on characterization of strains of *Xanthomonas campestris* pv. *vesicatoria* in Mexico and the impact of resistant genotypes and bactericides on the epidemiology of bacterial spot of pepper and tomato." Approximately $20,000 will be made available to the University to conduct collaborative research with Mexico's Alimentos Del Fuerte, Los Mochis, Sin., Mexico. Assistance will be provided only to the University of Florida, which is contributing resources and experience to conduct the research. Funds provided by OICD will be used to supplement costs for supplies, a research associate, and travel.

Based on the above, this is not a formal request for application. An estimated $20,000 will be available in FY1991 to support this work. It is anticipated that a total of $60,000 will be provided for this effort over a three-year period, subject to the availability of federally appropriated funds in future fiscal years.

Information on proposed Agreement may be obtained from: USDA/OICD/ Admin. Services, 0324 South Bldg. Washington DC 20250–4300.

Dated: August 27, 1991.

Nancy J. Croft,

Contracting Officer.

[FR Doc. 91–20929 Filed 8–30–91; 8:45 am]

BILLING CODE 3410-DP-M

Virginia Polytechnic Institute and State University; Grant and Cooperative Agreement Award

AGENCY: Office of International Cooperation and Development (OICD), USDA.

ACTION: Notice of intent.

ACTIVITY: OICD intends to enter into an agreement with Virginia Polytechnic Institute and State University (VPI & SU) to provide partial funding support for collaborative international research on agricultural land conservancy.

AUTHORITY: Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99–198).

OICD announces the availability of funds in fiscal year 1991 (FY1991) to enter into an agreement with VPI & SU to collaborate on international research for an agricultural land conservancy decision support system. Approximately $20,000 will be made available to the University to conduct collaborative research with the People's Republic of China Institute of Remote Sensing Application. Assistance will be provided only to VPI & SU, which is contributing resources and experience to conduct the research. Funds provided by OICD will be used to supplement costs for supplies, a research associate, and travel.

Based on the above, this is not a formal request for application. An estimated $20,000 will be available in FY1991 to support this work. It is anticipated that a total of $60,000 will be provided for this effort over a three-year period, subject to the availability of federally appropriated funds in future fiscal years.

Information on proposed Agreement may be obtained from: USDA/OICD/ Admin. Services, 0324 South Bldg., Washington, DC 20250–4300.

Dated: August 27, 1991.

Nancy J. Croft,

Contracting Officer.

[FR Doc. 91-20930 Filed 8-30-91; 8:45 am]

BILLING CODE 3410-DP-M

Meeting of the President's Council on Rural America

AGENCY: Department of Agriculture.

ACTION: Notice of meeting.

SUMMARY: The Under Secretary for Small Community and Rural Development, Department of Agriculture, is announcing a meeting of the President's Council on Rural America. The meeting is open to the public.

DATES: Meeting on Monday, September 23, 8:30 a.m. to 5 p.m., Tuesday, September 24, 8:30 a.m. to 5 p.m., and Wednesday, September 25, 8:30 a.m. to 12 noon.

ADDRESSES: The meeting will be held at: Quality Inn—Clark's Highway 6—301 and I-95, Santee, South Carolina 29142, Phone: 1-800-345-7888, FAX: (803) 854-2004. The nearest airport is Columbia, South Carolina.

FOR FURTHER INFORMATION CONTACT: Jennifer Pratt, Special Assistant to the Council, Office of Small Community and Rural Development, room 5405 South Building, USDA, Washington, DC 20250, (202) 382-0394.

SUPPLEMENTARY INFORMATION: The President's Council on Rural America was established by Executive Order on July 16, 1990. Members are appointed by the President and include representatives from the private sector and from State and local governments. The Council is reviewing and assessing the Federal Government's rural economic development policy and will advise the President and the Economic Policy Council on how the Federal Government can improve its rural development policy. The purpose of the meeting is to make decisions on a work plan for the Council task groups. The public may participate by providing written and verbal comments. Written comments may be submitted to Jennifer Pratt.

Dated: August 21, 1991.

Roland R. Vautour,

Under Secretary for Small Community and Rural Development.

[FR Doc. 91-21016 Filed 8-30-91; 8:45 am]

BILLING CODE 3410-07-M

Federal Grain Inspection Service

Request for Applications from Persons Interested in Designation to Provide Official Services in the Geographic Areas Presently Assigned to the Frankfort (IN) and Jinks (IL) Agencies

AGENCY: Federal Grain Inspection Service (Service).

ACTION: Notice.

SUMMARY: The United States Grain Standards Act, as amended (Act), provides that official agency designations shall terminate not later than triennially and may be renewed. The Service announces that the designations of Frankfort Grain Inspection, Inc. (Frankfort), and Robert H. Jinks dba Jinks Grain Weighing Service (Jinks), will terminate, according to the Act, and asks persons interested in providing official services in the specified geographic areas to submit an application for designation.

DATES: Applications must be postmarked on or before October 3, 1991.

ADDRESSES: Applications must be submitted to Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454. All applications will be made available for public inspection at this address located at 1400 Independence Avenue, SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Homer E. Dunn, telephone 202-447-8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes the Administrator of the Service to designate any qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

The Service designated Frankfort, located at R.R. 2, Frankfort, IN 46041, to provide official inspection services and Class X or Class Y weighing services, and Jinks, located at R.R. 1, Box 81, Homer, IL 61849, to provide Class X or Class Y weighing services under the Act on March 1, 1989.

Section 7(g)(1) of the Act provides that designations of official agencies shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in section 7(f) of the Act. Frankfort's and Jinks' designations terminate on February 28, 1992.

The geographic area presently assigned to Frankfort, in the State of Indiana, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

Bounded on the North by the northern Fulton County line;

Bounded on the East by the eastern Fulton County line south to State Route 19; State Route 19 south to State Route 114; State Route 114 southeast to the eastern Fulton and Miami County lines; the northern Grant County line east to County Highway 900E; County Highway 900E south to State Route 18; State Route 18 east to the Grant County line; the eastern and southern Grant County lines; the eastern Tipton County line; the eastern Hamilton County line south to State Route 32;

Bounded on the South by State Route 32 west to the Boone County line; the eastern and southern Boone County lines; the southern Montgomery County line; and

Bounded on the West by the western and northern Montgomery County lines; the western Clinton County line; the western Carroll County line north to State Route 25; State Route 25 northeast to Cass County; the western Cass and Fulton County lines.

Exceptions to Frankfort's assigned geographic area are the following locations inside Frankfort's area which have been and will continue to be serviced by the following official agency: Titus Grain Inspection, Inc.: The Andersons, Delphi, Carroll County; Buckeye Feed and Supply Company, Leiters Ford, Fulton County; and Cargill, Inc., Linden, Montgomery County.

The geographic area presently assigned to Jinks, in the States of Illinois and Indiana, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

Bounded on the North by the Iroquois County line east to Illinois State Route 1; Illinois State Route 1 south to U.S. Route 24; U.S. Route 24 east into Indiana, to U.S. Route 41;

Bounded on the East by U.S. Route 41 south to the southern Fountain County line; the Fountain County line west to Vermillion County (in Indiana); the eastern Vermillion County line south to U.S. Route 36;

Bounded on the South by U.S. Route 36 west into Illinois, to the Douglas County line; the eastern Douglas and

Coles County lines; the southern Coles County line; and

Bounded on the West by the western Coles and Douglas County lines; the western Champaign County line north to Interstate 72; Interstate 72 southwest to the Piatt County line; the western Piatt County line; the southern McLean County line west to a point 10 miles west of the western Champaign County line; a straight line running north to U.S. Route 136; U.S. Route 136 east to Interstate 57; Interstate 57 north to the Champaign County line; the northern Champaign County line; the western Vermilion (in Illinois) and Iroquois County lines.

Interested persons, including Frankfort and Jinks, are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in the specified geographic areas is for the period beginning March 1, 1992, and ending February 28, 1995. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: August 23, 1991.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 91-20747 Filed 8-30-91; 8:45 am]

BILLING CODE 3410-EN-F

Designation of Barton (KY), Minot (ND), and Tri-State (OH)

AGENCY: Federal Grain Inspection Service (Service).

ACTION: Notice.

SUMMARY: The Service announces the designation of J. W. Barton Grain Inspection Service, Inc. (Barton), Minot Grain Inspection, Inc. (Minot), and Tri-State Grain Inspection Service, Inc. (Tri-State), to provide official services under the United States Grain Standards Act, as amended (Act).

EFFECTIVE DATE: October 1, 1991.

ADDRESSES: Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454.

FOR FURTHER INFORMATION CONTACT: Homer E. Dunn, telephone 202-447-8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the April 2, 1991, **Federal Register** (56 FR 13447), the Service announced that the designations of Louisville Grain Inspection Services, Inc. (Louisville), Minot, and Tri-State terminate on September 30, 1991, and asked persons interested in providing official services within specified geographic areas to submit an application for designation. Applications were to be postmarked by May 2, 1991.

There were three applicants for the Louisville area: Louisville, Barton, and Tri-State. Louisville applied for the entire area currently assigned to them. Barton and Tri-State applied for the entire geographic area or specific subdivisions thereof as an alternative.

Minot and Tri-State were the only applicants for those designations, and each applied for the entire area currently assigned to them.

The Service named and requested comments on the applicants for designation in the May 30, 1991, **Federal Register** (56 FR 24368). Comments were to be postmarked by July 15, 1991. The Service received five comments regarding the Louisville designation. Four grain firms located in Barton's currently assigned area commented that they were pleased with services provided by Barton. One of the grain firms is also located in Louisville's area expressed concern with the service they have been receiving from Louisville. The Service received no comments on Minot or Tri-State by the deadline.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act; and according to section 7(f)(1)(B), determined that Barton is better able than any other applicant to provide official inspection and weighing services in the Louisville area, and that Minot and Tri-State are able to provide official inspection services in the geographic areas for which their designations are being renewed.

Effective October 1, 1991, and terminating upon the end of Barton's present designation (June 30, 1993), Barton is designated to provide official services in the Louisville geographic area, specified in the April 2 **Federal Register**. Barton's present designation is hereby amended by adding the aforementioned geographic area.

Effective October 1, 1991, and terminating September 30, 1994, Minot and Tri-State are designated to provide official services in the geographic areas specified in the April 2 **Federal Register**.

Interested persons may obtain official services by contacting Barton at 502-683-0616; Minot at 701-852-6533; and Tri-State at 513-251-6571.

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: August 23, 1991.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 91-20745 Filed 8-30-91; 8:45 am]

BILLING CODE 3410-EN-F

Request for Comments on the Applicants for Designation in the Geographic Areas Currently Assigned to the States of Minnesota (MN) and Mississippi (MS)

AGENCY: Federal Grain Inspection Service (Service).

ACTION: Notice.

SUMMARY: The Service requests interested persons to submit comments on the applicants for designation to provide official services in the geographic areas currently assigned to the Minnesota Department of Agriculture (Minnesota), and the Mississippi Department of Agriculture and Commerce (Mississippi).

DATES: Comments must be postmarked on or before October 18, 1991.

ADDRESSES: Comments must be submitted in writing to Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454. SprintMail users may respond to [HDUNN/FGIS/USDA]. Telecopier users may send responses to the automatic telecopier machine at 202-447-4628, attention: Homer E. Dunn. All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue, SW., during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Homer E. Dunn, telephone 202-447-8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the July 1, 1991, **Federal Register** (56 FR 29936), the Service asked persons interested in providing official services within the Minnesota and Mississippi geographic areas to submit an application for designation. Applications were to be postmarked by July 31, 1991. Minnesota and Mississippi, the only applicants, each applied for the entire area currently assigned to them.

The Service is publishing this notice to provide interested persons the opportunity to present comments concerning the applicants for designation. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of these applicants. All comments must be submitted to the Compliance Division at the above address.

Comments and other available information will be considered in making a final decision. The Service will publish notice of the final decision in the **Federal Register**, and the Service will send the applicants written notification of the decision.

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: August 23, 1991.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 91-20746 Filed 8-30-91; 8:45 am]

BILLING CODE 3410-EN-F

Rural Electrification Administration

Alabama Electric Cooperative, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Finding of No Significant Impact related to the construction of 115 and 230 kV electric transmission facilities in Covington and Geneva Counties, Alabama.

SUMMARY: Notice is hereby given that the Rural Electrification Administration, pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations (40 CFR parts 1500-1508) and the Environmental Policies and Procedures for Electric and Telephone Borrowers (7 CFR part 1794), has prepared an Environmental Assessment and made a Finding of No Significant Impact with respect to the construction of the proposed 230 kV Liberty and 115 kV Ganer Transmission Line Project in Covington and Geneva Counties, Alabama. Alabama Electric Cooperative, Inc., has requested financing assistance and/or project approval from the Rural Electrification Administration to construct the project.

FOR FURTHER INFORMATION CONTACT: Alex M. Cockey, Jr., Director, Southeast Area—Electric, room 0270, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382-8436.

SUPPLEMENTARY INFORMATION: The 230 kV transmission line will originate at the existing 230/115 kV Opp Substation located in Covington County south of Opp. It will traverse 22.5 miles in a southeasterly direction to the proposed 230/115 kV Liberty Substation to be located in Geneva County. From the Liberty Substation, AEC proposes to construct 10 miles of 115 kV transmission line to the existing 46/13 kV Ganer Substation. The first 2.5 miles of the 115 kV transmission line out of the Liberty Substation will traverse back along the right-of-way of the Opp to the Liberty transmission line and turn in a northerly direction to the Ganer Substation. A 115 kV bay will be installed within the existing fenced boundary of the Opp Substation. The Ganer Substation will be upgraded from 46/13 kV to 115/13 kV within the existing fenced boundary.

The alternatives considered to the project as proposed were no action and alternative transmission line routes.

REA has determined that the proposed project is needed to relieve overloading on AEC's 115 kV transmission system in southeast Alabama and its 46 kV transmission system in Opp/Elba/Clayhatchee area.

Copies of the Environmental Assessment and Finding of No Significant Impact are available for review at, or can be obtained from, the Rural Electrification Administration at the address provided herein or from Alabama Electric Cooperative, Inc., P.O. Box 550, Andalusia, Alabama 36420.

Dated: August 23, 1991.

George E. Pratt,

Deputy Administrator—Program Operations, Rural Electrification Administration, United States of America.

[FR Doc. 91-21017 Filed 8-30-91; 8:45 am]

BILLING CODE 3410-15-M

COMMISSION ON CIVIL RIGHTS

Agenda and Public Meeting of the Massachusetts Advisory Committee

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that an informal factfinding meeting of the Massachusetts Advisory Committee to the Commission will be convened at 9 a.m. on Friday, September 27, 1991, in room 917 of the Conference Center at the University of Massachusetts, N. Pleasant Street, Amherst, Massachusetts, and adjourned about 4:30 p.m. The purpose is to discuss the topic, Campus Tensions: in Search of Solutions for the '90s, with representatives of the University of Massachusetts/Amherst, Smith College, and other agencies or groups.

Persons desiring additional information or wishing to address the Committee during the meeting should contact Committee Chairperson Dorothy S. Jones (617/623-5610) up to September 15, 1991; Acting Chairperson Deirdre A. Almeida (413/545-0883) after September 15, 1991; or John I. Binkley, Director of the Eastern Regional Division (202/523-5264; TDD 202/376-8117). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Eastern Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, DC, August 26, 1991.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91-20933 Filed 8-30-91; 8:45 am]

BILLING CODE 6335-01-M

Agenda and Notice of Public Meeting of the Wisconsin Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will be held from 1 p.m. until 5 p.m. on Wednesday, September 18, 1991, at the Marc Plaza Hotel, 509 W. Wisconsin Avenue, Milwaukee, Wisconsin. The purpose of this meeting is to decide the next project of the Wisconsin Advisory Committee.

Persons desiring additional information should contact James L. Baughman, Committee Chairperson at (608) 262-3691 or Constance M. Davis, Regional Director of the Midwestern Regional Office, U.S. Commission on Civil Rights, at (312) 353-8311. Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 28, 1991.

Carol Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91-20987 Filed 8-30-91; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-041]

Synthetic Methionine from Japan; Determination Not To Revoke Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of determination not to revoke antidumping finding.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping finding on synthetic methionine from Japan.

EFFECTIVE DATE: September 3, 1991.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or John R. Kugelman, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-3601.

SUPPLEMENTARY INFORMATION: On July 8, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 30901) its intent to revoke the antidumping finding on synthetic methionine from Japan (38 FR 18382, July 10, 1973). The Department may revoke a finding if the Secretary concludes that the finding is no longer of interest to interested parties. We had not received a request for an administrative review of this finding for the last four consecutive annual anniversary months and, therefore, published a notice of intent to revoke pursuant to 19 CFR 353.25(d)(4).

On July 25 and 31, 1991, the Degussa Corporation and Novus International, Inc., interested parties, objected to our intent to revoke the finding. Therefore, we no longer intend to revoke the finding.

Dated: August 20, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 91-21003 Filed 8-30-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-802]

3.5" Microdisks and Coated Media Thereof From Japan; Termination of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of termination of antidumping duty administrative review.

SUMMARY: On May 21, 1991, the Department of Commerce (the Department) initiated an administrative review of the antidumping dumping duty order on 3.5" microdisks and coated media thereof from Japan. The Department is now terminating that review.

EFFECTIVE DATE: September 3, 1991.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or John R. Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-8312/3601.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1991, the Department published a notice of initiation of administrative review of the antidumping duty order on 3.5" microdisks and coated media thereof from Japan. That notice stated that we would review information submitted by four manufacturers/exporters, Teijin Memorimedia Company, Ltd., Fuji Photo Film Company, TDK Corporation, and Kao Corporation, for the period April 1, 1990 through March 31, 1991. All four of these firms subsequently withdrew their requests for review. Since no other interested parties have requested administrative reviews for this period, the Department is terminating this review.

This termination notice is published pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(1)), and 19 CFR 353.22(a)(5).

Dated: August 20, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 91-21004 Filed 8-30-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-614-504]

Carbon Steel Wire Rod From New Zealand; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Final Results of Countervailing Duty; Administrative Review.

SUMMARY: On July 19, 1991, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on carbon steel wire rod from New Zealand. We have now completed that review and determine the net subsidy to be zero for the period October 1, 1987 through September 30, 1988.

EFFECTIVE DATE: September 3, 1991.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or Barbara Tillman, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On July 19, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 33253) the preliminary results of the administrative review of the countervailing duty order on carbon steel wire rod from New Zealand (51 FR 7971; March 7, 1986). The Department has now completed that review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by the review are shipments from New Zealand of coiled, semi-finished, hot-rolled carbon steel wire rod of approximately round solid cross-section, not under 0.20 inch nor over 0.74 inch in diameter, tempered or not tempered, treated or not treated, not manufactured or partly manufactured, and valued over or under 4 cents per pound. During the review period, such merchandise was classifiable under items 607.1400, 607.1710, 607.1720, 607.1730, 607.2200 and 607.2300 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under items 7213.31.30, 7213.31.60, 7213.39.00, 7213.41.30, 7213.41.60, 7213.49.00 and 7213.50.00 of the Harmonized Tariff Schedule (HTS). The TSUSA and HTS item numbers are provided for

convenience and Customs purposes. The written description remains dispositive.

The Government of New Zealand reported that there were no shipments, and U.S. import statistics (IM–146) confirm that there were no known unliquidated entries of the subject merchandise into the United States during the review period by exporters of carbon steel wire rod from New Zealand subject to the countervailing duty order.

The review covers the period October 1, 1987 through September 30, 1988, and Pacific Steel Ltd. (PSL), the one known manufacturer/exporter of the merchandise subject to the countervailing duty order.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

Final Results of Review

As a result of our review, we determine the net subsidy to be zero during the period of review.

The Department will instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of this merchandise which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This waiver of deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.22 of the Commerce Regulations 19 CFR 355.22.

Dated: August 27, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91–21005 Filed 8–30–91; 8:45 am]

BILLING CODE 3510–DS–M

Short-Supply Determination: Certain Austenitic Manganese Steel Plate

AGENCY: Import Administration/ International Trade, Administration, Commerce.

ACTION: Notice of short-supply determination on certain austenitic manganese steel plate.

SHORT-SUPPLY REVIEW NUMBER: 56.

SUMMARY: The Secretary of Commerce ("Secretary") hereby grants a short-supply allowance for 212.75 net tons of certain austenitic manganese steel plate for August 1991–March 1992 under the U.S.-EC steel arrangement.

EFFECTIVE DATE: August 27, 1991.

FOR FURTHER INFORMATION CONTACT: Sally A. Craig or Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, room 7866, 14th Street and Constitution Avenue NW., Washington, DC 20230 (202) 377–0165 or (202) 377–0159.

SUPPLEMENTARY INFORMATION: On August 13, 1991, the Secretary received an adequate short-supply petition from Earle M. Jorgensen Company ("Jorgensen") requesting a short-supply allowance for 212.75 net tons of certain austenitic manganese steel plate for August 1991–March 1992 under Article 8 of the Arrangement Between the European Coal and Steel Community and the European Economic Community and the Government of the United States of America Concerning Trade in Certain Steel Products. Jorgensen requested short supply for this product because this product is not produced in the United States and because its potential offshore supplier has insufficient regular export licenses available to meet its needs. The Secretary conducted this short-supply review pursuant to section 4(b)(4)(A) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101–221, 103 Stat. 1886 (1989) ("the Act"), and § 357.102 of the Department of Commerce's Short-Supply Procedures, 19 CFR 357.102 ("Commerce's Short-Supply Procedures").

The requested product meets the following specifications:

Thickness: ¼ to ¾ inch.
Width: 60 inches to 96 inches.
Length: 120 inches to 240 inches.
Chemistry: Mn, 11 to 14%; C, 1 to 1.25%; Si, <0.60%; P, <0.04%; S, <0.05%; Cr, <0.50%.
Hardness: Increases from an initial hardness of approximately 200 BHN to a minimum service hardness of 500 BHN.

Action

On August 13, 1991, the Secretary established an official record on this short-supply request (Case Number 56) in the Central Records Unit, room B-099, Import Administration, U.S. Department of Commerce at the above address. Section 4(b)(4)(B)(i) of the Act and § 357.106(b)(1) of Commerce's Short-Supply Procedures require the Secretary to apply a rebuttable presumption that a product is in short supply and to make a determination with respect to a short-supply petition not later than the 15th day after the petition is filed if the Secretary finds that one of the following conditions exists: (1) The raw steelmaking capacity utilization in the United States equals or exceeds 90 percent; (2) the importation of additional quantities of the requested steel product was authorized by the Secretary during each of the two immediately preceding years; or (3) the requested steel product is not produced in the United States. The Secretary has found that this product is not produced in the United States. Therefore, the Secretary has applied a rebuttable presumption that this product is presently in short supply in accordance with section 4(b)(4)(B)(i)(III) of the Act and § 357.106(b)(1)(iii) of Commerce's Short-Supply Procedures.

Unless domestic steel producers provided proof that they could and would produce the requested quantity of this product within the desired period of time, provided it represented a normal order-to-delivery period, the Secretary would issue a short-supply allowance not later than August 28, 1991. On August 19, 1991, the Secretary published a notice in the **Federal Register** (56 FR 41118) announcing a review of this request and providing domestic steel producers an opportunity to rebut the presumption of short supply. All comments were required to be received no later than August 26, 1991. No comments were received.

Conclusion

Since the Secretary received no comments to the **Federal Register** notice by potential suppliers to rebut the Secretary's presumption of short supply for the requested product, the Secretary hereby grants, pursuant to section 4(b)(4)(A) of the Act and § 357.102 of Commerce's Short-Supply Procedures, a short-supply allowance for 212.75 net tons of the requested austenitic manganese steel plate for August 1991–March 1992 under Article 8 of the Arrangement Between the European Coal and Steel Community and the European Economic Community, and the Government of the United States of America Concerning Trade in Certain Steel Products.

Dated: August 27, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Impact Administration.

[FR Doc. 91–21006 Filed 8–30–91; 8:45 am]

BILLING CODE 3510–05–M

National Technical Information Service

Inventions for Licensing Available Through New Electronic Bulletin Board

The National Technical Information has implemented a new Patent Licensing Bulletin Board (PLBB) to assist companies in finding new Government owned inventions which are available for licensing. The PLBB is a bulletin board system designed to provide electronic and early access to information on hundreds of new Government patents and pending patent applications available for licensing—often exclusively—under the regulations for the Licensing of Government Owned Inventions (37 CFR part 404).

The inventions abstracted in the PLBB may be licensed through NTIS' Center for the Utilization of Federal Technology (CUFT) and represent new technologies from several Federal agencies and laboratories, including the:

- Agricultural Research Service,
- Bureau of Mines,
- Centers for Disease Control,
- Department of Commerce,
- Department of Transportation,
- Department of Veterans Affairs,
- Environmental Protection Agency,
- Food and Drug Administration,
- Forest Service, and
- National Institutes of Health.

The PLBB summarizes each invention and identifies supporting material which may be ordered for more complete information. There is no charge for the use of the PLBB, the only cost is that of the phone call to the PLBB which is placed through a microcomputer modem.

For additional information and a User's Manual on the PLBB, please call CUFT at (703) 487–4738 or write to: Director, Center for the Utilization of Federal Technology P.O. Box 1423, Springfield, VA 22151.

Those already familiar with accessing computer bulletin boards may dial up the PLBB at (703) 487–4061.

Douglas J. Campion,

Patent Licensing Specialist, Center for the Utilization of Federal Technology, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 91–20963 Filed 8–30–91; 8:45 am]

BILLING CODE 3510–04–M

DEPARTMENT OF ENERGY

Advance Notice of Intent To Prepare an Environmental Impact Statement for the Hawaii Geothermal Project, Phases 3 and 4: Resource Verification and Characterization, and Construction and Operation of Geothermal Powerplants

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice is hereby given that the Department of Energy (DOE) intends to prepare an environmental impact statement (EIS) for the development of a geothermal wellfield on the island of Hawaii (Big Island), State of Hawaii; the subsequent construction and production of up to 500 MW(e) of power; and the transmission of this power by overland and submarine cable to Oahu, and possibly, one or more of the other Hawaiian Islands.

SUMMARY: As part of the National Environmental Policy Act (NEPA) of 1969 planning process, DOE announces its intent to prepare an EIS that evaluates the significance of environmental impacts associated with the proposed Hawaii Geothermal Project (HGP). The HGP is the culmination of research and development efforts begun in the mid-1970's to explore the feasibility of using Hawaii's indigenous geothermal resource as an alternative energy source for the production of electricity. Currently, the State of Hawaii uses petroleum for approximately 90 percent of its power production, the highest usage among all 50 states.

The four-phase HGP, as defined by the State of Hawaii, consists of (1) exploration and testing of the geothermal resource beneath the slopes of the active Kilauea volcano on the island of Hawaii (Big Island), (2) demonstration of deep-water cable technology in the Alenuihaha Channel between the Big Island and Maui, (3) verification and characterization of the geothermal resource identified in Phase 1, and (4) construction of commercial geothermal power production facilities on the Big Island, with the potential for overland and submarine transmission of electricity from the Big Island to Oahu and other islands. Phases 1 and 2 have been completed; DOE prepared appropriate NEPA documentation for separate federal actions related to early research projects. Future activities under Phases 3 and 4 will be the subject of this EIS.

The purpose of this Advance Notice of Intent (NOI) is to encourage early public involvement in the NEPA process and to solicit comments on the proposed scope and content of the EIS. Comments are expected regarding potential sites for geothermal development; alternatives to geothermal power; and environmental issues, such as land use, habitat disturbance, effects on cultural resources, air quality degradation, and impacts to the terrestrial and marine environment. The precise location of sites for geothermal power plants will not be known until the State completes currently planned resource verification and characterization activities on the Big Island. Land areas having the greatest potential for development, as defined by past research and exploration, are located within three designated Geothermal Resource Subzones on 22,000 acres in the lower and middle Kilauea East Rift Zone in the Puna District on the Big Island.

DOE will publish a NOI in the fall of 1991 to solicit further public input and to announce a schedule for public scoping meetings to be held prior to the completion of an EIS Implementation Plan and initiation of EIS preparation.

DATES: Comments related to the preparation of this EIS are requested by October 3, 1991.

ADDRESSES: Written comments or questions should be directed to: Dr. Lloyd Lewis, CE–121, Office of Conservation and Renewable Energy, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586–6263.

FOR FURTHER INFORMATION CONTACT: General information on the Hawaii Geothermal Project may be obtained from Dr. Lloyd Lewis at the above address. General information on the procedures followed by DOE in complying with the requirements of NEPA may be obtained from: Ms. Carol Borgstrom, Director, Office of NEPA Oversight (EH–25), U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586–4600.

SUPPLEMENTARY INFORMATION:

Background

As defined by the State of Hawaii, the four-phase HGP consists of (1) assessment of the geothermal resource present beneath the slopes of the active Kilauea volcano on the Big Island, (2) demonstration of deep-water cable technology in the Alenuihaha Channel between the Big Island and Maui, (3) verification and characterization of the geothermal resource identified in Phase 1, and (4) construction of commercial

geothermal power production facilities on the Big Island, with the potential for overland transmission and submarine transmission to Oahu and other islands. Phases 1 and 2 have been completed. Future activities under Phases 3 and 4 will be the subject of this EIS.

Geothermal exploration began in Hawaii in 1972 with funding from the National Science Foundation (NSF). A potential geothermal resource site was identified on the Kilauea East Rift on the Big Island. Subsequent exploratory drilling (also funded by NSF) between December 1975 and April 1976 resulted in a productive geothermal well at a depth of approximately 6000 ft. In 1976, the Energy Research and Development Administration (ERDA), a predecessor to DOE, funded testing of the geothermal well, which was named HGP-A. Subsequently, DOE was established, and it funded the development of a 3-MW(e) demonstration power plant at the HGP-A site. In 1986, the HGP-A well and power plant were transferred by DOE to the State of Hawaii to be used for further research. The State has referred to this early exploration and testing of the geothermal resource as Phase 1 of the HGP.

DOE also provided funds for the Hawaii Deep Water Cable Program, referred to by the State of Hawaii as Phase 2 of the HGP, which was initiated in 1981. The goal of the program was to determine the technical and economic feasibility of constructing and operating a deepwater submarine power transmission cable that would link the islands of Hawaii and Oahu and would operate for a 30-year period. This project was completed in 1991 and proved the feasibility of a deepwater transmission cable. In all, over an 11-year period, DOE has provided approximately $33 million for geothermal and cable research in Hawaii.

In April 1989, the State of Hawaii requested additional federal funding for what it defined as Phase 3 of the HGP, Resource Verification and Characterization. Congress subsequently appropriated $5 million for use in Phase 3. Because Phase 3 work is by nature "research" rather than development or project construction, Congress indicated to the Secretary of Energy that it is not a "major federal action" under NEPA and would not typically require an EIS. However, because the project is highly visible, somewhat controversial, and involves a particularly sensitive environmental resource in Hawaii, Congress directed that "* * * the Secretary of Energy shall use such sums as are necessary from amounts previously provided to the State of Hawaii for geothermal resource verification and characterization to conduct the necessary environmental assessments and/or environmental impact statement (EIS) for the geothermal initiative to proceed." In addition to the Congressional directive, the U.S. District Court of Hawaii rendered a judgment, in response to litigation filed by several environmental groups, that requires the federal government to prepare an EIS for Phases 3 and 4 prior to disbursement of additional funds to the State. This Advance NOI is being issued to begin the NEPA process for Phases 3 and 4.

Scope of Phases 3 and 4

The State of Hawaii considers the unknown extent of the resource as the primary obstacle to private investment and commercial development of geothermal power production facilities and cable system. The State and private industry experts estimate that at least twenty-five commercial-scale exploratory wells will need to be drilled to verify the generating potential of the resource. Phase 3 activities would include well drilling, logging of cores from holes, measuring temperatures, collecting and analyzing geothermal fluid samples, and taking downhole geophysical and geochemical measurements.

Once the geothermal resource has been characterized, the construction of from ten to twenty separate geothermal power plants of from 25-30 MW(net) each is forecast by the State of Hawaii. The actual number of geothermal plants will depend on the extent of the resource defined in Phase 3. The exact location of the plants will not be known until Phase 3 is completed and facility design and layout are underway. Based on current knowledge of the resource (i.e., flow, pressure, temperature), the State of Hawaii estimates a total of about 125 production wells and 30 injection wells may be needed. The plants would most likely be connected by a network of roads, plumbing, and overland transmission lines in the East Rift area. Overland and underwater transmission lines (300 kV AC or DC) would be constructed to distribute power across the Big Island and to the other Hawaiian Islands, in particular, Oahu.

The current timetable for Phases 3 and 4 of the HGP calls for the State of Hawaii to initiate permitting and financing in 1991, with resource verification to be conducted after NEPA documentation is completed. Procurement and installation of power plants by the State of Hawaii and other non-federal entities is anticipated to begin in the 1994-1996 period, with initial transmission to Oahu no sooner than 1995. The State hopes to have 500 MW(e) of geothermal power on-line by 2005.

EIS Content and Identification of Environmental Issues

The EIS format and content will correspond to that which is recommended in the CEQ regulations and DOE guidelines. Chapter 1 of the EIS will discuss the purpose of and need for the action, provide background on the proposed project, and define the scope of the EIS. In chapter 2, the activities to be carried out as part of the proposed action and alternative actions will be described, the project location will be defined, and a tabular summary comparison of impacts of alternatives will be presented. Chapter 3 will describe the environment that could be affected by the proposed action. In chapter 4, the environmental consequences of alternatives will be discussed.

DOE has conducted a preliminary screening of environmental issues that could arise as a result of the HGP. The EIS will include, as appropriate, consideration of the following categories of impacts at alternative sites for power plant construction and operation and for alternative cable routings over land and in the marine waters of the Hawaiian Islands.

- *Land Use:* Conflicts with plans, policies, and controls resulting from wellfield development, power plant siting, and overland transmission lines;
- *Air Quality:* Impacts of fugitive dust from construction and vehicle and equipment operation, atmospheric emissions from geothermal plants, and cooling tower drift;
- *Water Resources:* Effects of spills, solid waste disposal, and injection of spent geothermal fluids on groundwater and surface water (freshwater and marine);
- *Ecological Resources:* Effects of habitat disturbance, atmospheric emissions, and changes in surface water quality on terrestrial and aquatic ecosystems, including the lowland rain forest, benthic marine fauna, wetlands, and threatened and endangered species;
- *Geological Resources:* Changes in physiography, topography, geology, soils, volcanic activity, and seismic activity;
- *Noise:* Effects of well-drilling and well-venting noise on sensitive receptors and fauna;
- *Health and Safety:* Hazards to occupational and public health and

safety, including well blowouts, subsidence, toxic emissions, hazardous materials, and electromagnetic effects on terrestrial and aquatic life;

• *Socioeconomics:* Effects of commercialization on population growth, economic base, agriculture, labor pool, housing, transportation, utilities, public services, education, recreation, tourism, and historic, archaeological and cultural resources; and

• *Scenic and Visual Resources:* Effects of industrialization on aesthetics in the tropical environment.

NEPA and the Scoping Process

In preparing the EIS, DOE will conduct the NEPA process as prescribed in the Council on Environmental Quality "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" (40 CFR parts 1500–1508) and the DOE "Guidelines for Compliance with the National Environmental Policy Act" (52 FR 47662, December 15, 1987), as amended.

After consideration of comments received in response to this Advance NOI, DOE will publish a NOI and will initiate preparation of a preliminary EIS Implementation Plan to serve as guidance for the impact analysis. Anticipated topics to be addressed include: Scope of the EIS, purpose of and need for the action, development of alternatives to the proposed action, and categorizing of environmental and institutional issues. The EIS Implementation Plan will be further refined subsequent to the comment period that follows the NOI. Scoping meetings to be held in Hawaii will be announced in the NOI. The schedule for publication of the draft EIS will depend on the degree of effort foreseen based on the issues raised during the scoping process. A 45-day comment period will follow publication of the draft EIS and will include public hearings as a forum for oral comments. Availability of the draft EIS, the timeframe of the public comment period, and the schedule for public hearings will be announced in the **Federal Register** and in local news media upon release of the draft.

A final EIS, which will include DOE's responses to public comments received on the draft EIS, will be announced in the **Federal Register** upon publication.

Signed in Washington, DC, this 27th day of August 1991, for the United States Department of Energy.

Peter N. Brush,

Acting Assistant Secretary, Environment, Safety and Health.

[FR Doc. 91–21012 Filed 8–30–91; 8:45 a.m.]

BILLING CODE 6450–01–M

Atlanta Support Office; Noncompetitive Award of Financial Assistance: The Association for Commuter Transportation

AGENCY: U.S. Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The Department of Energy (DOE), announces that pursuant to DOE Financial Assistance Rules 10 CFR 600.7(b)(2), it intends to award a grant to the Association for Commuter Transportation (ACT) in support of a national conference focusing on transportation management associations. The anticipated overall objective of this project is to provide a forum for transportation management associations, Federal officials and State officials to address issues of joint concern.

SUPPLEMENTARY INFORMATION: The proposed award will serve the public purpose of increasing energy efficiency in the transportation end-use sector through stimulation of improvements in the operation of existing Transportation Management Associations and through encouragement and guidance of those seeking to establish new Transportation Management Associations. This conference is of particular significance since no other conference has ever been held which is specifically devoted to the needs of the rapidly growing area of Transportation Management Associations.

The grant application is being accepted by DOE because it knows of no other organization which is conducting or planning to conduct this type of conference. The project period for the grant award is a one-year period, expected to begin in September 1991. DOE plans to provide funding in the amount of $10,000 for this project period.

FOR FURTHER INFORMATION CONTACT: Warren Zurn, U.S. Department of Energy, Atlanta Support Office, 730 Peachtree Street, NE., Atlanta, Georgia 30308. (404) 347–1047.

Issued in Chicago, Illinois on August 22, 1991.

Timothy S. Crawford,

Assistant Manager for Administration.

[FR Doc. 91–21008 Filed 8–30–91; 8:45 am]

BILLING CODE 6450–01–M

Cooperative Agreement

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy Field Office, Idaho announces that pursuant to the DOE Financial Assistance Rules 10 CFR 600.14(e) it intends to award a Cooperative Agreement to National Food Processors Association. The objectives of the work to be supported by this Cooperative Agreement provide for research and development of a sonic temperature sensor for food processing, Phases II and III.

FOR FURTHER INFORMATION CONTACT: Mary V. Willcox, U.S. Department of Energy, DOE Field Office-Idaho, 785 DOE Place MS 1129, Idaho Falls, Idaho 83402–1129, 208/526–2173.

SUPPLEMENTARY INFORMATION: The statutory authority for the proposed award is Public Law 93–577, the "Federal Non-Nuclear Energy Research and Development Act of 1974 (ERDA). The unsolicited proposal meets the criteria for "justification for acceptance of an unsolicited proposal (JAUP)," as set forth in 10 CFR 600.14(e). The second phase will focus on the further investigation of the design of a sonic sensor to measure the temperature of food particles inside food containers and the determination of the physical properties of various food materials. For this purpose a prototype sensor will be developed, used and modified as more knowledge of the technology is obtained. The third phase will be the development of a pilot scale unit which is suited for installation in a food processing plant for verification of the prototype developed in the second phase. The anticipated total project period is two (2) years, completion of the individual phases will be on a twelve (12) month basis. The total cost of the project (all shares) is estimated at $1,136,254.00. Total project costs will be shared (85%/15%) $996,740.00 for DOE and $139,500.00 for NFPA. The estimated

DOE funding for the initial award period will be $652,000.00.

Dolores J. Ferri,

Director, Contracts Management Division.

[FR Doc. 91-21009 Filed 8-30-91; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP88-211-016]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

August 27, 1991.

Take notice that GNG Transmission Corporation ("CNG"), on August 22, 1991, pursuant to Section 4 of the Natural Gas Act, the Commission's July 24, 1991, order on rehearing in Docket No. RP88-211 et al. and the Commission's August 7, 1991, letter order in Docket No. RP88-211-013 et al. filed the following revised tariff sheets to First Revised Volume Nos. 1 and 1A of CNG's FERC Gas Tariff:

Volume No. 1

Substitute Fourth Revised Sheet No. 34
Substitute Original Sheet No. 71A, 71B, 88, 89, 100B, 100C, 100D, 134, 138, 146 First Revised Sheet Nos. 160, 223 Third Revised Sheet No. 224

Volume No. 1A

Substitute Orginal Sheet Nos. 10, 11, 12, 14, 22, 32, 51, 57, 64, 66, 76, 82, 84, 87, 88, 91, 92, 95, 105, and 106.

CNG states that copies of the filing were served upon CNG's customers as well as interested parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Captitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.211. All such protests should be filed on or before September 4, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-20947 Filed 8-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM91-9-22-001]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

August 27, 1991.

Take notice that CNG Transmission Corporation ("CNG"), on August 22, 1991, pursuant to Section 4 of the Natural Gas Act, ("NGA"), filed the following revised tariff sheet to First Revised Volume No. 1 of CNG's FERC Gas Tariff:

Second Sub. 1st Revised Sheet No. 55

The proposed effective date for this tariff sheet is July 29, 1991.

CNG states that the purpose of the filing is to correct an inadvertent computer error contained on Substitute First Revised Sheet No. 55, filed on August 12, 1991.

CNG states that copies of the filing were served upon parties to the proceeding, CNG's customers, and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before September 4, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-20948 Filed 8-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-1-51-000]

Great Lakes Gas Transmission Limited Partnership; Proposed Changes in FERC Gas Tariff

August 27, 1991.

Take notice that Great Lakes Gas Transmission Limited Partnership ("Great Lakes") on August 21, 1991, tendered for filing the following tariff sheets to its FERC Gas Tariff:

First Revised Volume No. 1

Seventh Revised Sheet No. 57(iv)

Original Volume No. 3

Third Revised Third Revised Sheet No. 2
Third Revised Third Revised Sheet No. 3

Great Lakes states that the above tariff sheets reflect the new ACA rate to be charged per the Annual Charges Adjustment Clause provisions established by the Commission in Order No. 472, issued May 29, 1987. The new ACA rate to be charged by Great Lakes is per FERC notice given on July 26, 1991 and is to be effective October 1, 1991.

Any person desiring to be heard or to protest said filing should file a Motion to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before September 4, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-20949 Filed 8-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-1-47-000]

MIGC, Inc.; Compliance Filing

August 27, 1991.

Take notice that on August 23, 1991, MIGC, Inc. ("MIGC") tendered for filing Sixty-First Revised Sheet No. 32 to MIGC's FERC Gas Tariff, Original Volume No. 1. This tariff sheet is proposed to become effective October 1, 1991.

MIGC states that the instant filing is being submitted to reflect Annual Charge Adjustment unit charges applicable to transportation services during the fiscal year commencing October 1, 1991.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such petitions or protests should be filed on or before September 4, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-20950 Filed 8-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-1-79-000]

Sabine Pipe Line Co.; Proposed Changes in FERC Gas Tariff

August 27, 1991.

Take notice that Sabine Pipe Line Company (Sabine) on August 23, 1991, tendered for filing the following proposed change to its FERC Gas Tariff, First Revised Volume No. 1, to be effective October 1, 1991.

Ninth Revised Sheet No. 20

Sabine states that the Commission has specified the Annual Charges Adjustment (ACA) unit charge of $.0024/Mcf to be applied to rates in 1992 for recovery of 1991 annual charges and underrecovered 1990 annual charges. The ACA unit rate of $.0024/Mcf converts to $.0023/MMBTU under Sabine's basis for billing. Sabine further states that the listed tariff sheet sets forth the applicable provisions required to effect recovery of 1990 annual charges.

Sabine states that copies of the filing were served upon Sabine's customers, the State of Louisiana, Department of Natural Resources, Office of Conservation and the Railroad Commission of Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 4, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-20951 Filed 8-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-1-11-000]

United Gas Pipe Line Co.; Filing of Revised Tariff Sheets

August 27, 1991.

Take notice that on August 23, 1991, United Gas Pipe Line Company (United) tendered for filing the following tariff sheets to be effective October 1, 1991:

Fourth Revised Volume No. 1

Second Revised Sheet No. 4
Second Revised Sheet No. 4A
Second Revised Sheet No. 4B
Second Revised Sheet No. 4E
First Revised Sheet No. 4F
First Revised Sheet No. 4G
First Revised Sheet No. 4H

United states that the above referenced tariff sheets reflect an upward revision to the unit rate of the Annual Charge Adjustment (ACA) Clause to be generally applied to interstate natural gas pipeline rates for the recovery of the 1991 Annual Charges, pursuant to Order No. 472.

United states that the revision authorizes United to collect $0.0024 per each jurisdictional Mcf ($0.0023 per MMBtu as converted on United's system) of natural gas sold or transported applicable to the 1991 Annual Charge assessed United by the Commission under Part 382 of the Commission's Regulations.

United also states that the tariff sheets are being mailed to its jurisdictional customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's regulations. All such motions or protests should be filed on or before September 4, 1991.

Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-20952 Filed 8-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-197-001]

United Gas Pipe Line Co.; Compliance Tariff Filing

August 27, 1991.

Take notice that on August 23, 1991 United Gas Pipeline Company ("United") tendered for filing and acceptance, pursuant to part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, Substitute Original Sheet Nos. 193B, 193C, 193D, and 193F contained in its FERC Gas Tariff Second Revised Volume No. 1, in compliance with the Commission's letter order issued on August 15, 1991 ("Letter Order").

On July 16, 1991 United filed tariff sheets establishing a new Section 14 to its Transportation General Terms and Conditions contained in its FERC GAS Tariff, Second Revised Volume No. 1 to implement the provisions of an experimental capacity brokering program authorized on the High Island Offshore System ("HIOS") and on the U-T Offshore System ("UTOS"). The Commission's Letter Order accepted said tariff sheets for filing effective July 31, 1991, subject to United refiling within fifteen (15) days of the date of the order, tariff sheets that clarify the rate provisions in Section 14.9 and that clarify the reimbursement provisions in Section 14.12. Accordingly, United has tendered substitute tariff sheets in compliance with the Commission's Letter Order to incorporate the required revisions.

For good reason shown United requests that the Commission grant waiver of the 30-day minimum notice period as allowed in § 154.51 of the Commission's Regulations. United proposes a 10-day notice period which would facilitate the entry of United and its customers into brokering activity.

United respectfully requests that the Commission accept the tendered tariff sheets for filing and permit them to become effective on July 31, 1991, which is the same date as authorized by the Commission's order issued on August 15, 1991.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before September 4, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-20953 Filed 8-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-10-011]

Williston Basin Interstate Pipeline Co.; Technical Conference

August 27, 1991.

A technical conference will be held on Monday, September 9, 1991, at 2 p.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE, Washington, DC 20426, to discuss the compliance filing of July 1, 1991, in the above-captioned proceeding.

All interested persons and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-20954 Filed 8-30-91; 8:45 am]

BILLING CODE 6717-01-M

Office of Environmental Restoration and Waste Management

Solicitation of Comments from the Public on the Environmental Restoration and Waste Management Five-Year Plan, Fiscal Years 1993-1997

AGENCY: Office of Environmental Restoration and Waste Management, Department of Energy (DOE).

ACTION: Notice of availability of the Environmental Restoration and Waste Management Five-Year Plan for Fiscal Years 1993-1997 and its Executive Summary for public review and comment.

SUMMARY: The Department of Energy's third Environmental Restoration and Waste Management Five-Year Plan is scheduled for public release on September 5, 1991. In this third Five-Year Plan, which covers Fiscal Years (FY) 1993-1997, DOE reaffirms its policy that full compliance with the letter and spirit of applicable environmental laws, regulations, and requirements is an integral part of operating the DOE facilities. The DOE's fundamental goal is to ensure that risks to human health and safety and to the environment posed by the Department's past, present, and future operations are either eliminated or reduced to prescribed, safe levels by the year 2019.

The Five-Year Plan describes DOE's plans for achieving major environmental cleanup and compliance objectives over a 5-year planning horizon. It includes a detailed description of major program elements (Corrective Activities, Waste Management, Environmental Restoration, Technology Development, and Transportation) and provides summaries for all sites and facilities in the DOE complex with environmental restoration and waste management responsibilities.

This Five-Year Plan is distinguished by its emphasis on concrete accomplishments, its incorporation of a strategic plan, inclusion of national program and site-specific milestones, commitment to public involvement in program planning, and its emphasis on effectively managing program costs.

The Five-Year Plan contains approximately 800-pages of information that is divided into three sections. The Plan begins with a broad, strategic overview of the EM program from the Headquarters perspective, and works down to very specific discussions of program activities at the DOE Field Office level. Section I describes EM's strategic planning process, overall philosophy, key issues and strategies for resolving them. Section I lays out DOE's planned objectives and activities in the five major program areas for FY 1993 to 1997. Section II presents program plans for Corrective Activities, Waste Management, Environmental Restoration, Technology Development, and Transportation. For each of the major programs, goals and objectives are described, resource requirements are identified, and obstacles and accomplishments are discussed. Section III of the Plan provides an installation-by-installation description of current as well as planned activities. It shows the existing and planned funding scenarios by program. Funding in the Five-Year Plan includes two scenarios, a preliminary unvalidated case and a validated target level. For each installation summary, a progress chart is included that identifies accomplishments and planned milestones.

An Executive Summary of the Five-Year Plan is also available.

The comment period will be approximately 90 days, beginning on September 5, 1991, and ending December 6, 1991. All comments received by that date will be considered in the preparation of the FY 1994-1998 plan.

DATES: Comments will be accepted until December 6, 1991.

ADDRESSES: Persons requiring a single copy of the Plan should submit their requests in writing to: Richard J. Aiken, Director, Five-Year Plan, Office of Environmental Restoration and Waste Management, EM-2.5, Department of Energy, Washington, DC 20585. In addition, a copy of the Plan may be obtained by telephoning the EM hotline at (301) 353-3555 and leaving your name and address on the automatic recording device. Written comments on the Five-Year Plan should be addressed to the above address. Multiple copies of the Plan may be purchased through the Government Printing Office. Please address your requests to: Superintendent of Documents, Government Printing Office, 8610 Cherry Lane, Laurel, MD 20708.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. Aiken at (202) 586-4373.

Leo P. Duffy,

Director, Office of Environmental Restoration and Waste Management.

[FR Doc. 91-21007 Filed 8-30-91; 8:45 am]

BILLING CODE 6450-01-M

Savannah River Field Office

Financial Assistance Award; Intent To Award a Noncompetitive Grant

AGENCY: Savannah River Field Office; Department of Energy.

ACTION: Notice of noncompetitive award of grant.

SUMMARY: The U.S. Department of Energy (DOE), Savannah River Field Office announces that it plans to award a grant to the South Carolina Department of Health and Environmental Control (SCDHEC), 2600 Bull Street, Columbia, SC 29201, for oversight and implementation of the Federal Facility Agreement (FFA). The grant will provide funding to SCDHEC prior to finalization of the FFA; term of the grant is one-year with a funding level of $1,244,690 for the period. Pursuant to § 600.7(B)(2)(i)(C) of the DOE Assistance Regulations (10 CFR part 600), the Director, Office of Environmental Restoration and Waste Management, DOE Headquarters, has determined that a noncompetitive award is appropriate since the applicant is a unit of government and the activity to be supported is related to performance of their function within the subject jurisdiction.

SUPPLEMENTARY INFORMATION: Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) sections 107 and 120. States are allowed to recover funds related to the costs of removal or remedial action taken to clean up hazardous substances. The proposed

grant will enable the State of South Carolina to set up and maintain a program to oversee the environmental restoration program at the Savannah River Site (SRS) conducted under requirements of CERCLA. Activities will include: Review and comment on relevant primary and secondary documents generated under the FFA for the SRS; participation in associated public meetings and/or hearings and other community relations activities pursuant to CERCLA requirements; and certification of DOE sampling and analytical results at CERCLA sites.

SCDHEC is the authorized and qualified state regulatory agency to perform the functions covered under this grant.

DOE has determined that this award to SCDHEC on a noncompetitive basis is appropriate.

FOR FURTHER INFORMATION CONTACT: Elizabeth T. Martin, Contracts and Property Division, U.S. Department of Energy, Savannah River Field Office, P.O. Box A, Aiken, SC 29802, Telephone: (803) 725-2191.

Issued in Aiken, South Carolina, on August 23, 1991.

Peter M. Hekman, Jr.,

Manager, Head of Contracting Activity, Savannah River Field Office.

[FR Doc. 91-21010 Filed 8-30-91; 8:45 am]

BILLING CODE 6450-01-M

Southeastern Power Administration

Intent To Select Financial Sponsor

AGENCY: Southeastern Power Administration, Department of Energy.

ACTION: Notice of intent to select a financial sponsor for the proposed Bluestone Hydropower Project, Hinton, West Virginia.

SUMMARY:

1. The existing Bluestone Dam on the New River was authorized by Executive Order 7183A, September 12, 1935, and the Flood Control Act of June 22, 1936, for construction of said dam and reservoir for flood control, power and navigation purposes. Subsequent additional project purposes for recreation, fish and wildlife, and downstream recreation have been added. The dam is located in the City of Hinton, Summers County, West Virginia. Project land for the reservoir primarily is located in Summers County, West Virginia, with a small area in Giles County, Virginia. Installation of the hydroelectric power plant was deferred during the original construction of the project, and flood control is the primary purpose of the project. A preliminary assessment of the development of hydropower at the Bluestone Dam by the Corps of Engineers indicates that the addition of generating facilities at the dam may be economically feasible and environmentally acceptable.

2. The proposed addition of hydroelectric generating facilities at the Bluestone Dam is presently based upon a preliminary analysis conducted in 1985 by the U.S. Army Corps of Engineers Hydroelectric Design Center, which reviewed various pool elevations for hydropower generation. The preliminary analysis indicated that an economically-environmentally desirable plan could be a three-unit power plant at pool elevation 1421 with an installed capacity of 25.8 MW, producing 143,930,000 kWh of average annual energy at a benefit-to-cost ratio of 1.74. The anticipated cost of the power plant was estimated to be approximately $35,000,000 in 1990 dollars.

3. The present Federal policy set forth in the Water Resources Development Act of 1986 (Pub. L. 99-662) with regard to water resource projects is to encourage each agency to negotiate reasonable non-Federal financing for the development of approved project purposes. The Hinton-White Sulphur Springs-Philippi Power Authority, in the State of West Virginia, has expressed interest in funding the construction of the Bluestone Hydropower Project through its statutory ability to issue and sell tax-exempt revenue bonds, and to pay the annual operation, maintenance and major replacement costs and administrative costs. They also proposed to pay for all preliminary studies required to be conducted by the Corps of Engineers before project construction can begin. These studies to be performed by the Corps of Engineers include both an evaluation study and a special study, which will review, among other things, the environmental, engineering and economic feasibility of the project. The project would be Federally owned. In return for providing the funding, the Hinton-White Sulphur Springs-Philippi Power Authority has proposed receiving an allocation of power and energy from the proposed project.

4. The Corps of Engineers and the Southeastern Power Administration, jointly, intend to select the non-Federal sponsor to provide the financing for the construction of the proposed Bluestone Hydropower Project, based on the proposals to be submitted pursuant to this notice. Southeastern Power Administration may make an allocation of power and energy from the proposed project pursuant to this notice.

5. Criteria to be utilized in the sponsor selection process will include but not be limited to:

- The sponsor must recognize that preference in the sale of power is given to public bodies and cooperatives as described in section 5 of the 1944 Flood Control Act, as amended.
- The sponsor must demonstrate the capability to finance the project in accordance with requirements to be established by the Corps of Engineers and Southeastern Power Administration.
- The sponsor will be the entity whose proposal would result in provision of power at the least possible rate consistent with sound business principles.

6. The Corps of Engineers and Southeastern Power Administration selection process involves this public request for additional proposals and/or comments. Upon receipt of any response, the Corps of Engineers and Southeastern Power Administration will consider such comments and proposals and make final selection of the sponsor. All interested parties will be notified of the final selection.

DATES: Potential sponsors making application or proposals prior to November 4, 1991 will be considered in the final selection. A copy of the applications and/or proposals should be submitted to both the addresses below. Questions and/or comments are invited and should be directed to the Corps of Engineers or Southeastern Power Administration, as appropriate.

FOR FURTHER INFORMATION ABOUT THE PROPOSED PROJECT, CONTACT: Allan Elberfeld, Chief, Plan Formulation Branch, Huntington District Corps of Engineers, 502 Eighth Street, Huntington, WV 25701-2070, (304) 529-5638.

FOR FURTHER INFORMATION ABOUT THE PROPOSED MARKETING OF THE POWER AND ENERGY FROM THE PROPOSED PROJECT, CONTACT: Leon Jourolmon, Jr., Director, Power Marketing, Southeastern Power Administration, Samuel Elbert Building, Elberton, GA 30635, (404) 283-9911.

Leon Jourolmon, Jr.,

Director, Power Marketing, Southeastern Power Administration.

[FR Doc. 91-21011 Filed 8-30-91; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3992-1]

Fuels and Fuel Additives; Waiver Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of change of hearing date.

SUMMARY: On August 1, 1991, a Federal Register notice was published announcing that on July 12, 1991, the Ethyl Corporation (Ethyl) submitted an application for a waiver of the prohibition against the introduction into commerce of certain fuels and fuel additives set forth in section 211(f) of the Clean Air Act (Act) (56 FR 36810). This application seeks a waiver for the gasoline additive, methylcyclopentadienyl manganese tricarbonyl (MMT), an octane enhancer, commercially labeled by Ethyl as HiTEC 3000, to be blended in unleaded gasoline resulting in a level of 0.03125 (1/32) gram per gallon manganese (gpg Mn). The August 1, 1991 notice also announced that a public hearing would be held on September 13, 1991, at the EPA Auditorium. Today's notice announces that both the date and location of the public hearing have been changed. The new date and location of the hearing follow.

DATES: EPA's August 1, 1991, Federal Register notice (56 FR 36810) had announced that a hearing on the Ethyl application would be held on September 13, 1991 at the EPA auditorium. The date and location of this hearing have been changed. EPA will now conduct the one-day public hearing on this application beginning at 9 a.m. on September 12, 1991 at the Holiday Inn (Arlington at Ballston), 4610 N. Fairfax Drive, Arlington, Virginia, 22302, (703) 243-9800. Other dates regarding the notice remain unchanged and are as follows. Comments on this application will be accepted until October 4, 1991. Parties wishing to testify at the hearing should contact David J. Kortum or James W. Caldwell by September 6, 1991 at (202) 260-2635. It is also requested that six copies of prepared hearing testimony be available at the time of the hearing for distribution to the hearing panel. Hearing testimony should also be submitted to the docket. Additional information on the submission of comments to the docket may be found below in the "Address" section of this notice.

ADDRESSES: Copies of the information relative to this application are available for inspection in public docket A-91-46 at the Air Docket (LE-131) of the EPA, room M-1500, 401 M Street SW., Washington, DC 20460, (202) 260-7548, between the hours of 8:30 a.m. to noon and 1:30 p.m. to 3:30 p.m. weekdays. Any comments from interested parties should be addressed to this docket with a copy forwarded to Mary T. Smith, Director, Field Operations and Support Division (EN-397F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. As provided in 40 CFR part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: David J. Kortum, Environmental Engineer, Field Operations and Support Division (EN-397F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260-8841.

SUPPLEMENTARY INFORMATION: For further information on this matter, please refer to EPA's August 1, 1991, Federal Register notice at 56 FR 36810.

Dated: August 27, 1991.

Jerry Kurtzweg,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 91-20992 Filed 8-30-91; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3992-4]

Prevention of Significant Deterioration of Air Quality (PSD) Final Determinations

AGENCY: United States Environmental Protection Agency.

ACTION: Notice of final actions.

SUMMARY: The purpose of this notice is to announce that between December 1, 1990 and June 30, 1991, the United States Environmental Protection Agency (EPA), Region II Office, issued two final determinations, the New York State Department of Environmental Conservation (NYSDEC) issued five final determinations, and the New Jersey Department of Environmental Protection (NJDEP) issued three final determinations pursuant to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21. This notice also includes three actions that were inadvertently omitted from the previous announcement.

DATES: The effective dates for the above determinations are delineated in the following chart (See **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Mr. Steven C. Riva, Chief, Air and Environmental Applications Section, Permits Administration Branch, Office of Policy and Management, U.S. Environmental Protection Agency Region II Office, 26 Federal Plaza, room 505, New York, New York 10278, (212) 264-4711.

SUPPLEMENTARY INFORMATION: Pursuant to the PSD regulations, the EPA Region II, the NYSDEC, and the NJDEP have made final determinations relative to the sources listed below:

Name	Location	Project	Agency	Final action	Date
Indeck Silver Springs	Silver Springs, New York.	55 MW combined cycle cogeneration facility firing natural gas with #2 oil as backup fuel.	NYSDEC	PSD Permit	May 11, 1990.
Newark Bay Cogeneration.	Newark, New Jersey	Facility consists of two Westinghouse CW251/B-12 gas turbines each with duct fired HRSG and a 208 MMBTU/Hr auxiliary boiler.	NJDEP	PSD Permit	November 11, 1990.
Seneca Power Partners.	Batavia, New York	54 MW combined cycle cogeneration facility firing natural gas only.	NYSDEC	Non-applicability	November 21, 1990.
Hess Oil Virgin Islands Corporation (HOVIC).	St. Croix, Virgin Islands	Modification to existing PSD Permit which permitted the construction of two fluid catalytic cracking units having a combined fresh feed capacity of 152,734 barrels per calendar day.	EPA	PSD Permit	December 14, 1990.

Name	Location	Project	Agency	Final action	Date
Cogen Technologies	Linden, New Jersey	594 MW natural gas cogeneration facility consisting of 6 General Electric PG 7111 gas turbines, 5 with duct fired HRSG.	NJDEP	PSD Permit	December 20, 1990.
Chambers Cogeneration Limited Partnership.	Carneys Point, New Jersey.	250 MW pulverized coal fired cogeneration facility. One 100% capacity steam turbine generator and one No. 2 fuel oil fired 77 MMBTU/Hr. heat input auxiliary boiler.	NJDEP	PSD Permit	December 26, 1990.
Energy Tactics	Oceanside, New York	4 MW electric generating station consisting of 8 internal combustion engines firing landfill gas.	NYSDEC	Non-applicability	January 16, 1991.
CNG Energy Company	Lakewood, New Jersey	210 MW natural gas and #2 fuel oil cogeneration facility.	NJDEP	PSD Permit	April 1, 1991.
Upjohn Manufacturing Company.	Barceloneta, Puerto Rico.	Installation of a new 90 MMBTU/Hour fire tube boiler. Replacement for boiler #3.	EPA	Non-applicability	April 23, 1991.
Tennessee Gas Pipeline.	Cambria, New York	Gas pipeline compressor station expansion consisting of 2 Solar Centaur gas turbines.	NYSDEC	Non-applicability	May 15, 1991.
General Electric Company.	Waterford, New York	Addition of a 308 MMBTU/Hour natural gas fired boiler with #2 oil backup fuel replacing Two 48 MMBTU/Hour #6 oil fired boilers.	NYSDEC	Non-applicability	May 22, 1991.
Tenneco Gas Pipeline Company.	Lafayette, New York	Addition of a 4500 HP natural gas fired internal combustion engine.	NYSDEC	Non-applicability	June 5, 1991.
Tenneco Gas Pipeline Company.	Carlisle, New York	Addition of a 3600 HP natural gas fired internal combustion engine.	NYSDEC	Non-applicability	June 5, 1991.

This notice lists only the sources that have received final PSD determinations. Anyone who wishes to review these determinations and related materials should contact the following offices:

EPA Actions

United States Environmental Protection Agency, Region II Office, Permits Administration Branch—room 505, 26 Federal Plaza, New York, New York 10278.

NYSDEC Actions

New York State Department of Environmental Conservation, Division of Air Resources, Source Review and Regional Support Section, 50 Wolf Road, Albany, New York 12233–0001.

NJDEP Actions

New Jersey Department of Environmental Protection, Division of Environmental Quality, Bureau of Engineering and Technology, 401 East State Street, Trenton, New Jersey 08625.

If available pursuant to the Consolidated Permit Regulations (40 CFR § 124), judicial review of these determinations under section 307(b)(1) of the Clean Air Act (the Act) may be sought *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from the date on which these determinations are published in the **Federal Register.** Under section 307(b)(2) of the Act, these determinations shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 91–20991 Filed 8–30–91; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3988–9]

Proposed Guidelines for Oxygenated Gasoline Waivers

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed guidelines.

SUMMARY: Section 211(m)(3)(C) of the Clean Air Act as amended by the Clean Air Act Amendments of 1990 ("the Act") allows any person to petition the Administrator to delay the effective date of an oxygenated gasoline program required under section 211(m) of the Act. If the Administrator determines that there is, or is likely to be, for any subject nonattainment area, inadequate domestic supply of, or distribution capacity for, oxygenated gasoline meeting the requirements of section 211(m) or fuel additives ("oxygenates") necessary to meet such requirements, then the Administrator shall delay the effective date of the required program for one year. Upon petition, the Administrator may delay the effective date for one additional year.

Today's notice proposes guidelines for waiver petitions submitted under section 211(m)(3)(C). The proposed guidelines discuss the contents of such petitions, guidelines for decisions, as well as other relevant factors.

DATES: Written comments received by October 3, 1991, will be considered by EPA in promulgating final guidelines.

ADDRESSES: Materials relevant to these proposed guidelines have been placed in Docket A–91–04 by EPA. The docket is located in the Air Docket Section (LE–131), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, in room M–1500 of Waterside Mall and may be inspected from 8:30 a.m. to noon and 1:30 p.m. to 3:30 p.m. Monday through Friday. A reasonable fee may be charged for copying docket material.

Comments should be submitted (in duplicate if possible) to the Air Docket Section, Docket A–91–04 at the above address. A copy should also be sent to Mr. Alfonse Mannato at the EPA address listed below.

U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street SW. (EN–397F), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Alfonse Mannato, (202) 382–2640.

SUPPLEMENTARY INFORMATION:

I. Introduction

This notice describes EPA's proposed guidelines for oxygenated gasoline waivers under section 211 (m)(3)(C) of the Act. The remainder of this preamble is divided into two parts. Section II provides the background for this proposed action, with respect to chronology and broad issues involved.

Section III provides EPA's proposed action and rationale.

II. Background

Section 211(m) of the Act requires that various states submit revisions to their State Implementation Plans (SIPs), and implement oxygenated gasoline programs no later than November, 1992. This requirement applies to all states with carbon monoxide nonattainment areas with design values of 9.5 parts per million or more based on 1988 and 1989 data. The oxygenated gasoline program must require gasoline in the specified control area to contain no less than 2.7 percent oxygen by weight, during that portion of the year in which the areas are prone to high ambient concentration of carbon monoxide. The length of the control period is to be established by the Administrator and shall not be less than four months in length unless a state can demonstrate, based on meteorological conditions, that a reduced period will assure that there will be no carbon monoxide exceedences outside of such reduced period. These requirements are to cover all gasoline sold or dispensed in the larger of the Consolidated Metropolitan Statistical Area (CMSA) or the Metropolitan Statistical Area (MSA) in which the nonattainment area is located.

Section 211(m)(3) provides for several types of waivers of the requirements of section 211(m). This notice addresses only the section 211(m)(3)(C) waiver provisions which permit any person to petition the Administrator for a waiver with respect to specific carbon monoxide nonattainment areas subject to section 211(m)'s requirements.[1] If the Administrator determines that there is, or is likely to be, inadequate domestic supply of, or distribution capacity for, oxygenated gasoline or oxygenates for any subject nonattainment area, then the Administrator shall delay the effective date of the oxygenated gasoline program for one year. No partial delay or lesser waiver may be granted under section 211(m)(3)(C), e.g. for a lesser time period [2] or for a lower oxygen amount. Upon petition, the Administrator may extend the waiver for one additional year. No further supply or distribution waivers are possible, i.e., all areas required to implement an oxygenated gasoline program pursuant to section 211(m)(1)(A) of the Act must have a program in place by the 1994 control period.

The Administrator is required to act on such a petition within six months of receipt. The Administrator is also required to consider distribution capacity separately from domestic supply and to grant waivers, if supplies of oxygenated gasoline are limited, in such a manner as will assure that areas with the highest carbon monoxide design values will have a priority in obtaining oxygenated gasoline.

EPA's Clean Fuels Regulatory Negotiation

EPA has utilized the Regulatory Negotiation process in developing the proposed availability and distribution guidelines. On February 8, 1991, EPA announced its intent to form an advisory committee to negotiate guidelines and proposed regulations implementing the clean fuels provisions of section 211 of the Act. A public meeting was held on February 21–22, 1991 in Washington, DC and, after considering comments submitted in response to the notice and the results of that public meeting, an advisory committee was established on March 13, 1991.

Several meetings have been held prior to publication of this notice. On March 14–15, 1991, May 1, 1991, May 13–14, 1991, June 13–14, 1991, and June 26–27, 1991, the Negotiated Rulemaking Advisory Committee met to discuss the issues in this notice and other issues. Between these various meetings there were several meetings of workgroups of the Advisory Committee.

The proposed guidelines that appear in this notice represent a general agreement on the part of a workgroup of the Advisory Committee with the exception of the treatment of cost information and whether EPA should include a target date for the filing of petitions. Another issue which the workgroup could not come to agreement on is the meaning of "domestic supply" as that term is used in section 211(b)(3)(C). These issues are discussed in greater detail below.

III. Proposed Action

Legal Effect and Purpose of the Proposed Waiver Guidelines

This document provides EPA's proposed guidelines for oxygenated fuels waivers. These guidelines do not establish or affect legal rights or obligations. These guidelines do not establish a binding norm and are not finally determinative of issues addressed. Agency decisions in a particular case will be made by applying the applicable law to the specific facts of each waiver petition.

The purpose of today's proposed guidelines is to provide a reasonably certain and expedited process for considering petitions for oxygenated fuels waivers. The proposed guidelines attempt to set out the various sorts of information that may be relevant to the Agency's determination on the petition. The information and analyses described in today's guidelines shall be provided to the extent that it is feasible and relevant to a determination on the petition. In a particular case, some of these pieces of information may be irrelevant or unavailable or, in the alternative, additional information may be necessary.

Proposed Waiver Guidelines

The proposed guidelines outline, among other things, the information petitions should contain, investigation and consultation by the Agency in considering a petition, procedures for submittal of confidential business information, guidelines for decisions, and Agency procedures upon receipt of a petition. These proposed guidelines are not designed to establish substantive criteria for agency decisions regarding a waiver petition, but instead will provide an expedited and reasonably certain process for taking action on such petitions.

With respect to guidelines for decisions, the Administrator is required under section 211(m)(3)(C) to consider domestic supply separately from distribution capacity. In addition, the Act requires that the Administrator, in granting a waiver based on inadequate domestic supply of oxygenated gasoline, grant the waiver in such a way as will assure that the areas having the highest design value for carbon monoxide will have priority in obtaining oxygenated gasoline. The proposed guidelines also state that other factors may be considered by the Administrator in determining the manner in which such a waiver is granted, including the pre-existence of oxygenated fuels programs. State representatives of the existing programs have stated that they believe that the continuance of these existing programs is of crucial importance.

Under these proposed guidelines, a petitioner should submit information which is adequate and sufficient for the Administrator to make a determination on the adequacy of domestic supply of, or distribution capacity for, oxygenated gasoline and oxygenates. Petitioners should submit all factual information that is feasible to obtain and that is relevant to the basis of the petition. The

[1] On July 9, 1991 EPA proposed guidance on the applicable control periods pursuant to section 211(m)(2). 56 FR 31151 (July 9, 1991). The geographic scope of the control areas is also discussed in that notice.

[2] States may petition for a shorter control period, pursuant to section 211(m)(2).

proposed guidelines discuss, for example, inclusion of information and analyses regarding the domestic supply of oxygenated gasoline and oxygenates, domestic gasoline consumption, available storage, available credits, "spillover" outside the control area, movement of oxygenates or gasoline into the control area ("migration"), transportation obstacles, availability of blending facilities, and permits and construction.

An issue has been raised during the discussion of the guidelines at the negotiated rulemaking meetings as to the appropriateness of considering costs during the waiver decision process. Several parties believed that since costs are, in general, a surrogate for feasibility, they should be included in a waiver petition and considered by EPA. Others believed that costs should not be considered in making waiver decisions.

Comments are specifically requested on the role of costs in waiver decisions.

Another issue that was raised was whether or not these waiver guidelines should contain a target date that all petitions should be submitted by. Some parties at the negotiated rulemaking meetings have expressed the viewpoint that it may be beneficial if the Agency includes such a non-binding target date for submission of petitions. It was stated in support of this position that setting an early target date would lead to a higher degree of certainty for industry since this would allow most petitions to be handled at the same time by the Agency. However, other parties expressed concern about setting a date because it may dissuade some parties from lining-up an oxygenate supply and arranging for its distribution and, instead, encourage them to wait until petitions submitted by the target date have been acted upon. Moreover, it may encourage parties to submit unsupported petitions based upon the perceived finality of a target date.

Comments are specifically requested on the appropriateness of establishing an early target date for the filing of petitions and, if so, what that date should be.

The proposed guidelines also describe certain public procedures which EPA intends to follow in acting on a petition. For example, a Notice will be published in the **Federal Register** announcing receipt of a petition and inviting public comment. If requested, EPA will hold an informal public hearing at which interested parties may appear and present evidence. EPA will also publish a **Federal Register** notice announcing any grant or denial of a petition, including an explanation of the bases for such grant or denial.

EPA invites comments on all aspects of the proposed guidelines which appear as an appendix to this notice.

The guidelines proposed today do not define the term "domestic supply" with respect to oxygenated gasoline or fuel additives (oxygenates). The Regulatory Negotiation Advisory Committee did discuss this issue, but was not able to reach consensus on a definition. Interpretations ranged from domestic supply meaning domestic production to interpretations that included varying amounts of imported product. For example, some persons argued that domestic supply should include product originating in Canada, while others argued it should include product originating anywhere in the world as long as it was available for import at any United States port.

To continue receiving public input on this issue, EPA specifically invites comment on the proper definition of the term "domestic supply"as used in section 211(m) of the Act.

IV. Environmental Impact

The sale of oxygenated gasoline reduces carbon monoxide emissions from motor vehicles and thereby helps carbon monoxide nonattainment areas to achieve compliance with the applicable carbon monoxide ambient air quality standard. Oxygenated gasoline is becoming widely recognized as a control strategy for reducing carbon monoxide emissions from motor vehicles in a timely and cost-effective manner.

In the event that a waiver must be granted based on inadequate domestic supply, the Administrator is required under the Act to assure that areas with the highest design value for carbon monoxide will have priority in obtaining oxygenated gasoline.

V. Public Participation

All comments received by October 3, 1991 will be considered by EPA for its final guidelines. Comments received by the Agency will be available for inspection during normal business hours at the EPA office listed in the "addresses" section of this notice.

Commenters desiring to submit proprietary information of consideration should clearly distinguish such information from other comments to the greatest possible extent, and clearly label it "Confidential Business Information." Submissions containing such proprietary information should be sent directly to the contact person listed above, and not to the public docket, to ensure that proprietary information is not inadvertently placed in the docket. If a commenter wants EPA to base its decision on a submission labelled as confidential business information, then a non-confidential version of the document which summarized the key data or information should be placed in the docket.

Information covered by a claim of confidentiality will be released by EPA only to the extent allowed by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, it may be made available to the public without further notice to the commenter who submitted the information.

VI. Administrative Designation

These proposed guidelines were submitted to the Office of Management and Budget (OMB) for review. Any written comments received from OMB and any EPA response to those comments have been placed in the public docket.

VII. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and implementing regulations, 5 CFR part 1320, EPA must obtain clearance from OMB for any activity that will involve collecting substantially the same information from 10 or more non-Federal respondents. Since the action in this notice is proposed guidance, and does not involve the collection of information by EPA, the Paperwork Reduction Act does not apply to this action.

VIII. Statutory Authority

Authority for the action proposed in this notice is granted by section 21(m) of the Clean Air Act as amended (42 U.S.C. 7545).

Dated: August 20, 1991.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

Guidelines for Oxygenated Fuels Waivers

The purpose of these guidelines is to provide an expedited and reasonably certain process. The discussion in section (c) is an attempt to account for the most relevant factors and to call for the use of the best available data.

This document provides EPA's guidelines for oxygenated fuels waivers. These guidelines do not establish or affect legal rights or obligations. These guidelines do not establish a binding norm and are not finally determinative of issues addressed. Agency decisions in a particular case will be made by applying the applicable law to the specific facts of that case.

(a) Petitions. Any person may petition the Administrator to delay the effective date of section 211(m) of the Clean Air Act for a period of one year or for an extension of such delay for an additional period of one year. A delay or extension of delay shall be granted if the Administrator determines that there is, or is likely to be, for any area, an inadequate domestic supply of, or distribution capacity for, oxygenated gasoline meeting the requirements of section 211(m) or fuel additives (oxygenates) necessary to meet such requirements.

Petitioners under section 211(m)(3)(C) should submit information which is adequate and sufficient for the Administrator to make a determination whether there is, or is likely to be, an inadequate domestic supply of, or distribution capacity for, oxygenated gasoline or fuel additives (oxygenates) for the area in which a waiver is sought. The Administrator shall use this information and analysis, public comments and information developed by the Agency in making a determination.

Petitions may be filed with the Administrator, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A copy should also be sent to Mary Smith, 202-382-2633, at 401 M Street, SW. (EN-397F), Washington, DC 20460.

(b) Contents of Petitions. Each petition should contain a geographical description of the area or areas for which a delay or extension of delay is sought, an analysis of the projected supply of and demand for oxygenated gasoline and fuel additives (oxygenates) necessary to meet the requirements of section 211(m) in the pertinent geographical area or areas during the delay or extension period, and an analysis of the distribution capacity for such oxygenated gasoline and fuel additives (oxygenates) serving the pertinent geographical area or areas during the delay or extension period. Specifically, the petition should, to the extent feasible and relevant to a determination on the petition, contain detailed factual information, and analyses as follows:

(1) The amount of current and future "domestic" production capacity for all oxygenates which may potentially be used both within and outside the pertinent area or areas. This analysis of "domestic supply" should include an estimate of the current "domestic supply" of fuel oxygenates and the expected new production which is scheduled to come on-line before the relevant start date. Detailed, plant by plant information should be provided, if available. The analysis should include an estimate of production capacity and how it relates to nameplate production capacity. The analysis should include estimates as to the ability to conduct maintenance "off season." Also, historical production data should be included. This data should be provided on a plant by plant basis, if available.

(2) An estimate of gasoline consumption in the pertinent area or areas, including an explanation of any estimate of consumption which differs from per capita state-wide average consumption.

(3) An estimate of available storage for oxygenates and oxygenated gasoline for use in the pertinent area or areas, including an explanation of the availability of storage for oxygenates and oxygenated gasoline during the off-season to supplement on-season program requirements. This analysis should include the impact of leadtime on storage. Also, the ability to reprogram existing storage to oxygenate or oxygenated gasoline use should be estimated.

(4) An assessment of the availability and use of oxygenate credits within the pertinent area or areas.

(5) An assessment of the extent to which oxygenates intended for use in the pertinent area or areas may be used in an attainment area ("spillover"), including a calculation and justification of the estimated spillover rate. This assessment should include an analysis of the availability of splash blending equipment and facilities. Also the availability of existing tankage to meet the needs of the oxygenated gasoline program and the ability to build new tankage should be estimated. The impact of the pipelines' distribution system should be assessed.

(6) An explanation of any effect on the ability to meet program requirements resulting from the length of the non-attainment season in the pertinent area or areas.

(7) An assessment of the extent to which currently produced oxygenates and oxygenated gasoline can feasibly be moved and at what cost to the petitioner or third party, from their current market to the pertinent area or areas ("migration"). This assessment should include, by each transportation method, the time necessary to transport oxygenates or oxygenated gasoline to the area [Option: and the costs of such a movement, including any premium to attract the supply and the cost to transport, store and distribute it.] [1]

(8) An assessment of any obstacles to the transportation of oxygenates from the point of production to the pertinent area or areas. This assessment should include estimates of the availability of railcars, ships, trucks or pipeline facilities. It should also include information on the ability to either build the needed transportation resources or shift them from existing use.

(9) An assessment of the availability of blending facilities and the ability to construct additional blending facilities.

[(10) Option: An explanation and detailed assessment regarding all additional costs associated with supplying oxygenated gasoline and the market availability of oxygenates by the petitioner.]

(11) A description of the extent to which necessary permits and approvals for the construction and operation of facilities to produce and distribute oxygenates have been obtained and the status of projects under construction.

(12) Information on any other factors which may affect the domestic supply of, and distribution capacity for, oxygenates and oxygenated gasoline in the pertinent area or areas.

(c) Consultation and Other Information. The Administrator may conduct such investigation and consultation as may be appropriate to confirm or supplement the information contained in a petition. The Administrator may also consult with other federal agencies and with state and local government officials in the pertinent area or areas regarding the petition. Such consultation may include consideration of processing of permits for the construction and operation of facilities to produce or distribute oxygenates or oxygenated gasoline.

(d) Confidential Information. A petitioner or any other person providing information to the Administrator in connection with the evaluation of a petition may assert that some or all of the information submitted is entitled to confidential treatment. The petitioner or other person providing information should clearly distinguish such information from other comments to the greatest extent possible and clearly label it "Confidential Business Information." Submissions containing such proprietary information should be sent to the contact person listed above, and should not be submitted to the public docket. If a petitioner wants EPA to base its decision on a submission labelled as confidential business information, then a non-confidential

[1] The bracketed references related to costs in items (b)(7) and (b)(10) indicate issues which were not agreed to during the regulatory negotiation workgroup meetings.

version of the document which summarizes the key data or information should be placed in the docket.

Information covered by a claim of confidentiality will be released by EPA only to the extent allowed by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, it may be made available to the public without further notice to the petitioner or other person who submitted the information.

[(e) Option: Timing for submission of petition. Reserved.] [2]

(f) Guidelines for Decision.

(1) In evaluating a petition, the Administrator shall consider distribution capacity separately from the adequacy of domestic supply.

(2) If the Administrator grants a waiver based on inadequate domestic supply of oxygenated gasoline or oxygenates, it will be granted in such manner as will assure that areas having the highest design value for carbon monoxide will have priority in obtaining oxygenated gasoline. Other factors including, but not limited to the following, may also be considered:

—pre-existing oxygenated fuels programs

—Ability of the distribution system to meet the projected needs for oxygenated gasoline and oxygenates in a particular area taking into consideration the costs to consumers and the emissions reductions that may be achieved.

(3) In assessing the domestic supply of, and distribution capacity for, oxygenated gasoline and oxygenates, the Administrator shall consider whether necessary permits and approvals for the construction and operation of facilities to produce and distribute oxygenated gasoline and oxygenates would reasonably be obtained in a timely manner.

(g) Notice of Receipt of a Petition. As soon as possible after receipt of a petition, the Administrator shall publish a notice in the **Federal Register**. The notice shall contain a summary of the petition and shall state where the petition is available for public inspection. The notice will generally discuss the additional information that may be necessary to reach a decision on the petition. The notice shall call for public comments and requests to appear at a public hearing.

(h) Hearing. If requested, an informal public hearing on the petition shall be conducted. Any interested person who submits a timely hearing request shall be allowed to appear and present evidence at the hearing.

(i) Final Disposition. Within six months after receipt of a petition, the Administrator shall act on the petition. Any grant or denial of the petition, shall be subsequently published in the **Federal Register** including an explanation of the bases of such grant or denial. If the Administrator determines that there is, or is likely to be, for the pertinent area or areas, an inadequate domestic supply of, or distribution capacity for, oxygenated gasoline meeting the requirements of section 211(m) or oxygenates necessary to meet such requirements, the Administrator shall delay or extend the delay of the effective date of section 211(m) in such area or areas for a period of one year. No partial delay or lesser waiver may be granted. if the Administrator determines that a sufficient demonstration has not been made, the petition shall be denied.

(j) Judicial Review. Publication of the final disposition of a petition will constitute notice of final Agency action for the purposes of judicial review.

[FR Doc. 91-20506 Filed 8-30-91; 8:45 am]
BILLING CODE 6560-50-M

[2] The bracketed reference to timing of submissions indicates an issue which was not agreed to during the regulatory negotiation workgroup meetings.

[FRL-3991-2]

Meeting on September 11, 1991: Western Hemisphere Working Group of the Trade and Environment Committee of the National Advisory Council for Environmental Policy and Technology (NACEPT)

Under Public Law 92-463 (The Federal Advisory Committee Act), EPA gives notice of the meeting of the Western Hemisphere Working Group of the Trade and Environment Committee. The Trade and Environment Committee is a standing committee of the National Advisory Council for Environmental Policy and Technology (NACEPT), an advisory committee to the Administrator of the EPA. The meeting will convene September 11, from 10 a.m. to 4 p.m. at the law firm of Donovan, Leisure, Newton & Irwine, 1250 24th St. NW., Washington, DC 20037.

The Western Hemisphere Working Group will explore potential trade and environment linkages arising in the Western Hemisphere in order to demonstrate more concretely general trade and environment linkages globally. The working group will suggest practicable policy approaches to these linkages in order to draw out a general policy framework for the United States. For further information, please call (202) 382-3198.

Dated: August 22, 1991.

Abby J. Pirnie,

NACEPT Designated Federal Official.

[FR Doc. 91-20995 Filed 8-30-91; 8:45 am]
BILLING CODE 6560-50-M

[FRL-3991-1]

Open Meeting on September 12, 1991: Technology Innovation and Economics Committee of the National Advisory Council for Environmental Policy and Technology (NACEPT)

Under Public Law 92-463 (The Federal Advisory Committee Act), EPA gives notice of a meeting of the Executive Committee of the Technology Innovation and Economics (TIE) Committee. The TIE Committee is a standing committee of the National Advisory Council for Environmental Policy and Technology (NACEPT), an advisory committee to the Administrator of the EPA. The TIE Committee and NACEPT in association with EPA's Committee on Technology Cooperation are seeking ways to encourage environmental business opportunities domestically and internationally. The meeting will convene September 12, 1991 from 8 a.m. to 1 p.m. at the Omni Shoreham Hotel, 2500 Calvert Street NW., Washington, DC 20008.

The TIE Executive Committee will review and expand draft recommendations initially suggested by the Diffusion Focus Group of the TIE Committee at its July 29-30 meeting. In doing this, it will consider how EPA should support the providers and developers of environmentally beneficial technology, improving the ability of U.S. firms to comply with environmental requirements and to compete in the domestic and international marketplaces.

The September 12th meeting will be open to the public. Written comments will be received and reviewed by the Executive Committee. Additional information may be obtained from David R. Berg or Morris Altschuler at U.S. EPA, 401 M Street SW., A101-F6, Washington, DC 20460, by calling 202-475-9741, or by written request sent by fax 202-245-3882, or after August 24 at 202-260-9741, and by fax at 202-260-6882.

Dated: August 21, 1991.

Abby Pirnie,

NACEPT Designated Federal Official.

[FR Doc. 91-20994 Filed 8-30-91; 8:45 am]
BILLING CODE 6560-50-M

[FRL-3992-3]

Proposed Administrative Settlement Pursuant to Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: The United States Environmental Protection Agency (EPA) is proposing to enter into a *de minimis* administrative settlement to resolve claims for recovery of costs incurred at the Landfill & Resource Recovery Superfund Site (the Site) in North Smithfield, Rhode Island, under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.* Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. This settlement is intended to resolve the liability of 50 alleged transporters or generators of hazardous substances at the Site (the Settling Parties) for past and future expenditures in response to the releases or threatened releases of hazardous substances at the Site. The settlement requires the Settling Parties to pay a total of $2,999,785.50 to the Hazardous Substances Superfund.

For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA's response to any comments received will be available for public inspection at the Town Clerk's Office, Town Hall, 1 Main Street, North Smithfield, Rhode Island, and at the EPA Records Center, 90 Canal Street, Boston, Massachusetts.

DATES: Comments must be provided on or before October 3, 1991.

ADDRESSES: The proposed settlement and Administrative Record for the proposed settlement are available for public inspection at the Town Clerk's Office, Town Hall, 1 Main Street, North Smithfield, Rhode Island and at the EPA Records Center at 90 Canal Street, Boston, Massachusetts. A copy of the proposed settlement may be obtained from Beth Tomasello, Assistant Regional Counsel, U.S. Environmental Protection Agency Region I, Office of Regional Counsel, Mail Code RCU, J.F.K. Federal Building, Boston, Massachusetts 02203. Comments should be addressed to the Office of the Regional Administrator, U.S. Environmental Protection Agency Region I, J.F.K. Federal Building, Boston, Massachusetts 02203, and should refer to, "In the Matter of Landfill & Resource Recovery Superfund Site," U.S. EPA Docket No. I-91-1032.

FOR FURTHER INFORMATION CONTACT: Beth Tomasello, Assistant Regional Counsel, U.S. Environmental Protection Agency Region I, Office of Regional Counsel, Mail Code RCU, J.F.K. Federal Building, Boston, Massachusetts 02303, (617) 565-3429.

NOTICE OF ADMINISTRATIVE SETTLEMENT: In accordance with section 122(i)(1) of CERCLA, 42 U.S.C. 9622(i)(1), notice is hereby given of a proposed administrative settlement concerning the Landfill & Resource Superfund Site in North Smithfield, Rhode Island. This settlement is entered into pursuant to the authority vested in the President of the United States by section 122(g) of CERCLA, 42 U.S.C. 9622(g), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Public Law 99-499, 100 Stat. 1613, 122(g) (1986), delegated to the Administrator of the United States Environmental Protection Agency on January 23, 1987 by Executive Order 12580, 52 FR 2923 and further delegated to the Regional Administrator by EPA Delegation 14-14-E, September 13, 1987. The U.S. Department of Justice approved this settlement in writing on June 12, 1991. Below are listed the parties who have executed signature pages committing them to participate in the agreement: Acands, Inc.; A.T. Cross Company; Allied Signal Inc. Aftermarket Group; Amtel, Inc.; Amtrol, Inc.; Arkwright Incorporated; Arlon, Inc.; BIF; Blount Marine Corporation; Blount Seafood Corp.; Brown & Sharpe Manufacturing Company; Bulova Corporation; C.H. Sprague & Son Co.; Carroll Products, Inc.; Collyer Insulated Wire Division of Wickes Manufacturing Company; Crystal Brands, Inc.; Community College of Rhode Island; Davol, Inc.; EG&G Sealol, Inc.; Federal Products Corporation; G.M. Gannon, Co., Inc.; General Services Administration; Glas-Kraft, Inc.; Hasbro, Inc.; Hoechst Celanese Corporation; Jay Printing Company; Kenney Manufacturing Company; Labelcraft, Inc.; Mack Trucks, Inc.; Microfibres, Inc.; Monarch Industries, Inc.; Murdock Webbing Company, Inc.; New England Printed Tape Co.; Newport Naval Base; Northern Telecom, Inc.; Original Bradford Soap Works, Inc.; Philips Components Discrete Division of North American Philips Corp.; Providence Gravure, Inc.; Rau Fasteners, Inc.; Richton Corocraft, Inc.; Scott Brass, Inc.; St. Joseph Hospital; Tillotson-Pearson, Inc.; Touraine Paints, Inc.; U.S. Coast Guard; Union Camp Corp.; Victor Electric Wire & Cable Corp.; W.R. Grace & Co.—Conn.; Whitman Skivertex, Ltd.; William Bloom & Son, Inc.

Dated: August 20, 1991.

Julie Belaga,

Regional Administrator.

[FR Doc. 91-20993 Filed 8-30-91; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

August 23, 1991.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0173.

Title: Section 73.1207, Rebroadcasts.

Action: Extension.

Respondents: State or local governments, non-profit institutions, and businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 800 recordkeepers; .5 hours average burden per recordkeeper; 400 hours total annual burden.

Needs and Uses: Section 73.1207 requires licensees of broadcast stations to obtain written permission from an originating station prior to retransmitting any program or part thereof. A copy of permission must be kept in station's file and made available to FCC upon request. This written consent assures the Commission that prior authorization for retransmission of a program was obtained.

OMB Number: 3060-0346.

Title: Section 78.27, License conditions.

Action: Extension.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 455 responses, .166 hours average burden per response; 76 hours total annual burden.

Needs and Uses: Section 78.27 requires licensees of Cable Television Relay Service (CARS) stations to notify the Commission in writing when the station commences operation. It also requires a CARS licensees needing additional time to complete construction of the station to request an extension of additional time. The data is used by FCC staff to provide accurate records of actual CARS channel usage for frequency coordination purposes.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-20968 Filed 8-30-91; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city/state	File No.	MM docket No.
A. Atlantic Radio Communications, Inc., Manahawkin, NJ.	BPH-900116MS	91-208
B. Great American Communications Corps., Manahawkin, NJ.	BPH-900117MN	.....
C. Coastal Broadcasting Systems, Inc., Manahawkin, NJ.	BPH-900117MO	.....
D. John Senior Broadcasting Company, Manahawkin, NJ.	BPH-900117MP	.....
E. Jersey Devil Broadcasting Company, Manahawkin, NJ.	BPH-900117MT	.....
F. Seaira, Inc., Manahawkin, NJ.	BPH-900117MU	.....
G. Southern Ocean Broadcasting Company, Manahawkin, NJ.	BPH-900117MX	.....
H. LD Broadcasting Limited Partnership, Manahawkin, NJ.	BPH-900117NA	.....
I. Great Scott Broadcasting, Manahawkin, NJ.	BPH-900117ML [Dismissed Herein]	.....
J. Sage Broadcasting Corporation of New Jersey, Manahawkin, NJ.	BPH-900117MM [Dismissed Herein]	.....
K. Jersey Shore Broadcasting Corporation, Manahawkin, NJ.	BPH-900117MY [Dismissed Herein]	.....
L. Press Broadcasting Company, Manahawkin, NJ.	BPH-900117NC [Dismissed Herein]	.....

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicants
1. Air Hazard	F
2. Comparative	ALL
3. Ultimate	ALL

3. If there is any non-standardized issue(s) in the proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an appendix to this notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 91-21020 Filed 8-30-91; 8:45 am]

BILLING CODE 6712-01-M<

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city/state	File No.	MM docket No.
A. John Strelitz, Santa Fe, NM.	BPH-890313MT	91-235
B. Vincente Silva, Santa Fe, NM.	BPH-890313MU	
C. SKR, Inc., Santa Fe, NM.	BPH-890313MV	
D. Jemez Mountain Broadcasters, Santa Fe, NM.	BPH-880310MI (Previously Dismissed)	
E. T.C. Monte, Inc., Santa Fe, NM.	BPH-890313MS (Dismissed Herein)	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading	Applicants
1. Site Availability	C
2. Air Hazard	C
3. City Coverage	A,B,C
4. Comparative	A,B,C
5. Ultimate	A,B,C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an appendix to this notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 91-21019 Filed 8-30-91; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Coastal Barrier Improvement Act: Property Availability: St. Francis Sunken Lands

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as:

Legal Description

All of Lots 1, 9, 10, 11, 14, and 15 of the United States Government Supplemental Survey of Section 25, T 13 N, R 6 E, Craighead County, Arkansas, and containing 213.53 acres, more or less, located in the State of Arkansas, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

SUPPLEMENTARY INFORMATION: Characteristics of the property include: Classification as wetlands; contiguous to state preservation area. Property size: 213.53 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on before December 2, 1991 by Don Matthews, Federal Deposit Insurance Corporation, P.O. Box 30060, Shreveport, Louisiana 71130-0060, telephone 1-800-283-3342, fax (318) 683-7388.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the federal government;

2. Agencies or entities of state or local government; and

3. "Qualified organization" pursuant to section 170(h) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(s)).

Written notices of serious interest to purchase or effect other transfers of the property must be submitted to Don Matthews, Federal Deposit Insurance Corporation, P.O. Box 30060, Shreveport, Louisiana 71130-0060, telephone 1-800-283-3342, fax (318) 683-7388 in the following form:

Notice of Serious Interest RE

Legal Description: All of Lots 1, 9, 10, 11, 14, and 15 of the United States Government Supplemental Survey of Section 25, T 13 N, R 6 E, Craighead County, Arkansas, and containing 213.53 acres, more or less.

1. Entity name.

2. Declaration of eligibility to submit notice under criteria set forth in Public Law 101-591, section 10(b)(2).

3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).

4. Declaration of entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.

Federal Deposit Insurance Corporation.

Dated: August 27, 1991.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 91-20946 Filed 8-30-91; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Current List of Laboratories Which Meet Minimum Standards to Engage in Urine Drug Testing for Federal Agencies

AGENCY: National Institute on Drug Abuse, ADAMHA, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11979, 11986). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

FOR FURTHER INFORMATION CONTACT: Denise L. Goss, Program Assistant, Drug Testing Section, Division of Applied Research, National Institute on Drug Abuse, room 9-A-53, 5600 Fishers Lane, Rockville, Maryland 20857; tel.: (301) 443-6014.

SUPPLEMENTARY INFORMATION: Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Public Law 100-71. Subpart C of the Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in an every-other-month performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of NIDA certification are not to be considered as meeting the minimum requirements expressed in the NIDA Guidelines. A laboratory must have its letter of certification from HHS/NIDA which attests that it has met minimum standards.

In accordance with subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

AccuTox Analytical Laboratories, 427 Fifth Avenue, NW., Attalla, AL 35954-0770, 205-538-0012

Alpha Medical Laboratory, Inc., 405 Alderson Street, Schofield, WI 54476, 800-627-8200

American BioTest Laboratories, Inc., Building 15, 3350 Scott Boulevard, Santa Clara, CA 95054, 408-727-5525

American Medical Laboratories, Inc., 11091 Main Street, P.O. Box 188, Fairfax, VA 22030, 703-691-9100

Associated Pathologists Laboratories, Inc., 4230 South Burnham Avenue, suite 250, Las Vegas, NV 89119-5412, 702-733-7866

Associated Regional and University Pathologists, Inc. (ARUP), 500 Chipeta Way, Salt Lake City, UT 84108, 801-583-2787

Bayshore Clinical Laboratory, 4555 W. Schroeder Drive, Brown Deer, WI 53223, 414-355-4444/800-877-7016

Bellin Hospital-Toxicology Laboratory, 2789 Allied Street, Green Bay, WI 54304, 414-496-2487

Bio-Analytical Technologies, 2356 North Lincoln Avenue, Chicago, IL 60614, 312-880-6900

Bioran Medical Laboratory, 415 Massachusetts Avenue, Cambridge, MA 02139, 617-547-8900

Cedars Medical Center, Department of Pathology, 1400 Northwest 12th Avenue, Miami, FL 33136, 305-325-5810

Center for Human Toxicology, 417 Wakara Way-Room 290, University Research Park, Salt Lake City, UT 84108, 801-581-5117

Columbia Biomedical Laboratory, Inc., 4700 Forest Drive, suite 200, Columbia, SC 29206, 800-848-4245/803-782-2700

Clinical Pathology Facility, Inc., 711 Bingham Street, Pittsburgh, PA 15203, 412-488-7500

Clinical Reference Lab, 11850 West 85th Street, Lenexa, KS 66214, 800-445-6917

CompuChem Laboratories, Inc., 3308 Chapel Hill/Nelson Hwy., P.O. Box 12652, Research Triangle Park, NC 27709, 919-549-826/800-833-3984

Damon Clinical Laboratories, 140 East Ryan Road, Oak Creek, WI 53154, 800-365-3840(name changed: formerly Chem-Bio Corporation; CBC Clinilab)

Damon Clinical Laboratories, 8300 Esters Blvd., suite 900, Irving, TX 75063, 214-929-0535

Doctors & Physicians Laboratory, 801 East Dixie Avenue, Leesburg, FL 32748, 904-787-9006

Drug Labs of Texas, 15201 I 10 East, suite 125, Channelview, TX 77530, 713-457-3784

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215-674-9310
Eagle Forensic Laboratory, Inc., 950 North Federal Highway, suite 308, Pompano Beach, FL 33062, 305-946-4324
Eastern Laboratories, Ltd., 95 Seaview Boulevard, Port Washington, NY 11050, 516-625-9800
ElSohly Laboratories, Inc., 1215-1/2 Jackson Ave., Oxford, MS 38655, 601-236-2609
General Medical Laboratories, 36 South Brooks Street, Madison, WI 53715, 608-267-6267
HealthCare/Preferred Laboratories, 24451 Telegraph Road, Southfield, MI 48034, 800-225-9414 (outside MI)/800-328-4142 (MI only)
Laboratory of Pathology of Seattle, Inc., 1229 Madison St., suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206-386-2672
Laboratory Specialists, Inc., P.O. Box 4350, Woodland Hills, CA 91365, 818-718-0115/800-331-8670 (outside CA)/800-464-7081 (CA only)(name changed: formerly Abused Drug Laboratories)
Laboratory Specialists, Inc., 113 Jarrell Drive, Belle Chasse, LA 70037, 504-392-7961
Mayo Medical Laboratories, 200 S.W. First Street, Rochester, MN 55905, 800-533-1710/507-284-3631
Med-Chek Laboratories, Inc., 4900 Perry Highway, Pittsburgh, PA 15229, 412-931-7200
MedExpress/National Laboratory Center, 4022 Willow Lake Boulevard, Memphis, TN 38175, 901-795-1515
MedTox Laboratories, Inc., 402 W. County Road D, St Paul, MN 55112, 612-636-7466, 800-832-3244
Mental Health Complex Laboratories, 9455 Watertown Plank Road, Milwaukee, WI 53226, 414-257-7439
Methodist Medical Center Toxicology Laboratory, 221 N.E. Glen Oak Avenue, Peoria, IL 61636, 800-752-1835/309-671-5199
MetPath, Inc., 1355 Mittel Boulevard, Wood Dale, IL 60191, 708-595-3888
MetPath, Inc., One Malcolm Avenue, Teterboro, NJ 07608, 201-393-5000
MetWest-BPL Toxicology Laboratory, 18700 Oxnard Street, Tarzana, CA 91356, 800-492-0800/818-343-8191
National Center for Forensic Science, 1901 Sulphur Spring Road, Baltimore, MD 21227, 301-247-9100 (name changed: formerly Maryland Medical Laboratory, Inc.)
National Drug Assessment Corporation, 5419 South Western, Oklahoma City, OK 73109, 800-749-3784 (name changed: formerly Med Arts Lab)
National Health Laboratories Incorporated, 13900 Park Center Road, Herndon, VA 22071, 703-742-3100/800-572-3734 (inside VA)/800-336-0391 (outside VA)
National Health Laboratories Incorporated, d.b.a. National Reference Laboratory, Substance Abuse Division, 1400 Donelson Pike, Suite A-15, Nashville, TN 37217, 615-360-3992/800-800-4522
National Health Laboratories Incorporated, 2540 Empire Drive, Winston-Salem, NC 27103-6710, 919-760-4620/800-334-8627 (outside NC)/800-642-0894 (NC only)
National Psychopharmacology Laboratory, Inc., 9320 Park W. Boulevard, Knoxville, TN 37923, 800-251-9492
National Toxicology Laboratories, Inc., 1100 California Avenue, Bakersfield, CA 93304, 805-322-4250
Nichols Institute Substance Abuse Testing (NISAT), 8985 Balboa Avenue, San Diego, CA 92123, 800-446-4728/619-694-5050 (name changed: formerly Nichols Institute)
Northwest Toxicology, Inc., 1141 E. 3900 South, Salt Lake City, UT 84124, 800-322-3361
Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Avenue, Eugene, OR 97440-0972, 503-687-2134
Parke DeWatt Laboratories, Division of Comprehensive Medical Systems, Inc., 1810 Frontage Rd., Northbrook, IL 60062, 708-480-4680
Pathlab, Inc., 16 Concord, El Paso, TX 79906, 800-999-7284
Pathology Associates Medical Laboratories, East 11604 Indiana, Spokane, WA 99206, 509-926-2400
PDLA, Inc., 100 Corporate Court, So. Plainfield, NJ 07080, 201-769-8500
PharmChem Laboratories, Inc., 1505-A O'Brien Drive, Menlo Park, CA 94025, 415-328-6200/800-446-5177
Poisonlab, Inc., 7272 Clairemont Mesa Road, San Diego, CA 92111, 619-279-2600
Precision Analytical Laboratories, Inc., 13300 Blanco Road, suite #150, San Antonio, TX 78216, 512-493-3211
Regional Toxicology Services, 15305 N.E. 40th Street, Redmond, WA 98052, 206-882-3400
Roche Biomedical Laboratories, 1801 First Avenue South, Birmingham, AL 35233, 205-581-3537
Roche Biomedical Laboratories, 6370 Wilcox Road, Dublin, OH 43017, 614-889-1061

The certification of this laboratory (Roche Biomedical Laboratories, Dublin, OH) is suspended from conducting confirmatory testing of amphetamines. The laboratory continues to meet all requirements for HHS/NIDA certification for testing urine specimens for marijuana, cocaine, opiates and phencyclidine. For more information, see 55 FR 50589 (Dec. 7, 1990).

Roche Biomedical Laboratories, Inc., 1912 Alexander Drive, P.O. Box 13973, Research Triangle Park, NC 27709, 919-361-7770
Roche Biomedical Laboratories, Inc., 69 First Avenue, Raritan, NJ 08869, 800-437-4986
Roche Biomedical Laboratories, Inc., 1120 Stateline Road, Southaven, MS 38671, 601-342-1286
S.E.D. Medical Laboratories, 500 Walter NE., suite 500, Albuquerque, NM 87102, 505-848-8800
Sierra Nevada Laboratories, Inc., 888 Willow Street, Reno, NV 89502, 800-648-5472
SmithKline Beecham Clinical Laboratories, 506 E. State Parkway, Schaumburg, IL 60173, 708-885-2010 (name changed: formerly International Toxicology Laboratories)
SmithKline Beecham Clinical Laboratories, 400 Egypt Road, Norristown, PA 19403, 800-523-5447(name changed: formerly SmithKline Bio-Science Laboratories)
SmithKline Beecham Clinical Laboratories, 3175 Presidential Drive, Atlanta, GA 30340, 404-934-9205, (name changed: formerly SmithKline Bio-Science Laboratories)
SmithKline Beecham Clinical Laboratories, 8000 Sovereign Row, Dallas, TX 75247, 214-638-1301 (name changed: formerly SmithKline Bio-Science Laboratories)
SmithKline Beecham Clinical Laboratories, 7600 Tyrone Avenue, Van Nuys, CA 91045, 818-376-2520
South Bend Medical Foundation, Inc., 530 North Lafayette Boulevard, South Bend, IN 46601, 219-234-4176
Southgate Medical Laboratory, Inc., 21100 Southgate Park Boulevard, 2nd Floor, Maple Heights, OH 44137, 800-338-0166 outside OH/800-362-8913 inside OH
St. Anthony Hospital (Toxicology Laboratory), P.O. Box 205, 1000 North Lee Street, Oklahoma City, OK 73102, 405-272-7052
St. Louis University Forensic Toxicology Laboratory, 1205 Carr Lane, St. Louis, MO 63104, 314-577-8628
Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 314-882-1273

Toxicology Testing Service, Inc., 5426 NW. 79th Avenue, Miami, FL 33166, 305–593–2260

Charles R. Schuster,

Director, National Institute on Drug Abuse.

[FR Doc. 91–20862 Filed 8–30–91; 8:45 am]

BILLING CODE 4160–20–M8

President's Council on Physical Fitness and Sports

AGENCY: Office of the Assistant Secretary for Health, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the President's Council on Physical Fitness and Sports. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES: September 13, 1991—8:15 a.m.–4 p.m.

ADDRESSES: Market Square West, National Capital Planning Commission, 801 Pennsylvania Avenue NW., suite 301, Washington, DC 20576.

FOR FURTHER INFORMATION CONTACT: John A. Butterfield, Executive Director, President's Council on Physical Fitness and Sports, 450 5th Street NW., suite 7103, Washington, DC 202/272–3421.

SUPPLEMENTARY INFORMATION: The President's Council on Physical Fitness and Sports operates under Executive Order #12345, and subsequent orders. The functions of the Council are: (1) To advise the President and Secretary concerning progress made in carrying out the provisions of the Executive Order and recommending to the President and Secretary, as necessary, actions to accelerate progress; (2) advise the Secretary on matters pertaining to the ways and means of enhancing opportunities for participation in physical fitness and sports actions to extend and improve physical activity programs and services; (3) advise the Secretary on State, local, and private actions to extend and improve physical activity programs and services.

The Council will hold this meeting to apprise the members of the national program of physical fitness and sports, to report on ongoing Council programs, and to plan for future directions.

Dated: August 27, 1991.

John A. Butterfield,

Executive Director, President's Council on Physical Fitness and Sports.

[FR Doc. 91–20941 Filed 8–30–91; 8:45 am]

BILLING CODE 4160–17–M

Centers for Disease Control

[Program Announcement Number 133]

Environmental Health Cooperative Agreement Program

Introduction

The Centers for Disease Control (CDC) announces the availability of funds to support research methodology and training in environmental health chemistry enhancing the training of doctoral candidates.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. (For ordering a copy of Healthy People 2000, see the Section **WHERE TO OBTAIN ADDITIONAL INFORMATION.**)

Authority

This program is authorized under the Public Health Service Act, section 301(a) [42 U.S.C. 241(a)], as amended.

Eligible Applicants

Assistance will be provided only to a chemistry department in a university graduate school.

Eligible applicants must be within a commuting distance of the CDC, and offer a terminal degree program having a sub-specialty with emphasis on environmental public health chemistry. Additionally, preference will be given to applicants that have high and low resolution mass spectrometry equipment compatible with the CDC (FISONS, VG Instruments, Inc. 70/70E, 70S, 70SE, 70–4SE, AutoSpec, and Finnigan TSQ–70, 4600, 4500, Ion Trap, including accessory equipment for gas chromatography and high performance liquid chromatography/mass spectrometry (GCMS & HPLC/MS), fast atom bombardment (FAB) and desorption chemical ionization (DCI) with DEC 11/250J and/or VAX 3100 (VG OPUS) data systems).

Availability of Funds

It is anticipated that approximately $100,000 will be available in the fiscal year 1991 to fund one to two cooperative agreements beginning September 30, 1991 for a 12-month budget period within a 5-year project period. The continuation awards within the project period will be made on the basis of satisfactory progress and availability of funds. Because this is a training program indirect costs will be limited to 8% of total allowable direct costs.

Purpose

Through this cooperative agreement, CDC and the selected university will be able:

A. To provide assistance in the development and strengthening of a research and training program in environmental health chemistry.

B. To provide on-site research training and practical work experience at CDC.

C. To develop operational research capacity to define risk factors in the Healthy People 2000 priority area of Environmental Health for dioxins, furans, polychlorinated biphenyls, tobacco, (cotinine), alcohol and other toxic substances.

D. To allow for a portion of the student's day to be spent in laboratories at both CDC and the university conducting experimental work using the equipment and facilities of both institutions.

E. To develop trained professionals who can strengthen chemical toxicant/exposure surveillance instruction in environmental public health.

F. To strengthen collaborative linkages between CDC and the university in the area of operational research in chemical toxicants and exposure surveillance.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for conducting activities under A. below, and CDC will be responsible for conducting activities under B. below:

A. Recipient Activities

1. Develop and strengthen research and training in environmental health chemistry and provide specialized research and practical work experience opportunities for recipient students.

2. Provide an active exchange of theoretical and applied knowledge in the field of environmental health chemistry between the faculty, staff and students of the recipient and the professional staff of CDC.

3. Conduct a recruiting program in environmental public health which advertises nationwide and attracts well qualified applicants.

4. Conduct exchange seminar programs between recipient and CDC.

B. CDC Activities

1. Collaborate in the development, review, and implementation of the program by participating, at the request of the recipient, in lectures,

demonstrations, and project evaluation; and by providing practical work experience opportunities and challenging research assignments.

2. Provide guidance for each participating student in areas including safety, instrument operation, spare parts accountability and acquisition, data handling, instrument maintenance, and review of student progress and performance.

3. Provide technical consultation in the planning, implementation and evaluation phases of the project.

4. Identify contact points within CDC for consultation and development of relevant research and practical experience opportunities for students enrolled in the program.

Evaluation criteria

The applications will be reviewed and evaluated according to the following criteria:

1. Technical Understanding—20%

Extent to which the applicant understands the requirements, problems, objectives, complexities, and interactions required for the conduct of this cooperative agreement.

2. Statement of Objectives—20%

Degree to which proposed objectives are clearly stated, realistic, measurable, time-phased, and related to the purpose of this agreement.

3. Ability To Carry Out Proposed Project—20%

Degree to which the applicant provides evidence of an ability to carry out the proposed project and the extent to which the applicant's institution documents demonstrated capability to achieve objectives similar to those of this agreement.

4. Qualifications of Professional Personnel—20%

Extent to which professional personnel involved in this project are qualified, including evidence of past achievements appropriate to this agreement.

5. Administrative Ability—20%

Adequacy of plans for administering the agreement.

In addition, the proposed budget will be reviewed for reasonableness in relation to the proposed program.

Funding Priority

Applicants within a commuting distance of the CDC will be given funding priority. In order for the program to be effective, students must be able to spend portions of their days at the CDC laboratory as well as the university's own laboratory and graduate training facility. This will enable the students to take full advantage of essential training in basic and advanced instrument operation, electronics, and safety, and attend professional seminars and meetings relating to their assignments, including emergency response situations.

The proximity to CDC makes possible a unique interaction of graduate education and realistic experience in the analytical chemistry of public health. Flexibility in scheduling the graduate participants' time at the CDC renders both programs more effective and broadens the depth of the participation in fast-moving events such as emergency response. This flexibility also provides specialized formal training opportunities for the participants by enabling them to attend training on state-of-the-art equipment utilizing advanced analytical techniques and attend full time short courses in performance oriented workshops, seminars and panel discussions conducted by the CDC staff and invited consultants.

Applicants documenting a high degree of interest on the part of the faculty in research in environmental health chemistry, and a strong emphasis on multi-disciplinary research in the biomedical field will be given a funding priority.

Applicants that have a recruiting program in environmental public health which advertises nationwide and attracts well qualified applicants will be given funding priority.

Executive Order 12372 Review

The applications are not subject to review under Executive Order 12372.

Catalog of Federal Domestic Assistance (CFDA) Number

The Catalog of Federal Domestic Assistance (CFDA) Number for this program is 93.283.

Application Submission and Deadline

The original and two copies of the application must be submitted on PHS Form 5161-1 (Revised 3/89) and should carefully adhere to the instruction sheet and information provided. Applications must be submitted on or before September 6, 1991, to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305.

A. Applications Shall Be Considered as Meeting the Deadline if They Are Either

1. Received on or before the deadline date, or

2. Sent on or before the deadline date and received in time for submission for the review process. Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

B. Late Applications

Applications which do not meet the criteria in A.1. or A.2. above are considered late applications and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from Lisa Tamaroff, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, Mailstop E-14, 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305, or by calling (404) 842-6630 (FTS: 236-6630).

Programmatic technical assistance may be obtained from Louis R. Alexander, Ph.D., Supervisory Research Chemist, Toxicology Branch, Division of Environmental Health Laboratory Sciences, National Center for Environmental Health and Injury Control, Centers for Disease Control, 1600 Clifton Road, NE., Mailstop F-17, Atlanta, Georgia 30333 or by calling (404) 488-4144. FAX (404) 488-4609.

Please refer to Announcement Number 133 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report; Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9325 (Telephone 202-783-3238).

Dated: August 27, 1991.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 91-20964 Filed 8-30-91; 8:45 am]

BILLING CODE 4160-18-M

National Institutes of Health

National Biotechnology Policy Board; Regional Hearings; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of two regional hearings of the National Biotechnology Policy Board to obtain pertinent information on those policy issues most likely to have a significant impact on biotechnology research and the development of biotechnology-related industries and products. These hearings will be held on September 20, 1991, and September 27, 1991.

Purpose

The regional hearings will be open to the public to consider four principal areas which have an obvious impact on biotechnology policy in the U.S.

I. Basic and Applied Science
I–A. Support for basic research
I–B. Investigator-initiated grants
I–C. Grants for multidisciplinary centers
I–D. Support for research on scale-up technology and bioprocessing
II. Competitiveness
II–A. Public financial markets & financing strategy
II–A–1. Cost of capital
II–A–2. Need for partnerships
II–B. Federal and State Regulations
II–B–1. Four principles of regulatory review
II–B–2. Regulatory uncertainties
II–B–3. Time for product approval
II–C. International Competitiveness
II–C–1. Pricing of products
II–C–2. International partnerships
III. Training
III–A. Science Education
III–A–1. Kindergarten through grade 12
III–A–2. Undergraduate, graduate, doctoral, and post-doctoral
III–A–3. Engineering programs related to biotechnology
III–B. New Combinations of Scientific Expertise
III–B–1. Interdisciplinary programs
III–B–2. University-based biotechnology centers
III–C. Foreign science students and U.S. Universities
III–D. Skill-based Immigration Policies
IV. Technology Transfer
IV–A. Technology transfer act
IV–A–1. Cooperative Research & Development Agreements (CRADAs)
IV–A–2. Conflict of interest guidelines
IV–B. Product approval by regulatory agencies
IV–C. Time frame for biotechnology patent approval
IV–D. Government reimbursement for health care products

The above topics are representative of some of the important issues which have been identified, but are not meant to restrict the scope of the discussions at the regional hearings. If there are other matters pertinent to biotechnology policy which seem worthy of discussion, please feel free to address such at the time of the meetings.

Meeting Format

Following a short presentation by the Acting Chair of the National Biotechnology Policy Board, a panel composed of members of the National Biotechnology Policy Board, and Senior National Institutes of Health Staff from the Office of Recombinant DNA Activities will spend the remainder of the day receiving testimony from public witnesses. Each witness will be limited to a maximum of ten minutes. Attendance and the number of presentations will be limited to the time and space available. To facilitate an estimate of attendance, it would be helpful if all individuals wishing to attend or to present a statement at these public meetings would notify in writing Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities, Building 31, room 4B11, National Institutes of Health, Bethesda, Maryland 20892, FAX # 301–496–9839. Those planning to make a presentation should file a one-page summary of their remarks with Dr. Wivel five days prior to the meeting which they wish to attend. A copy of the full text of these remarks should be submitted for the record at the time of the meeting.

Schedule of Meetings

The first meeting will be held on Friday, September 20, 1991, from 9 a.m. to 4 p.m. at the Le Meridien Hotel, 50 Third Street (between Market and Mission Streets), San Francisco, California 94103. The second meeting will be held on Friday, September 27, 1991 from 9 a.m. to 4 p.m. at the Omni Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC 20008.

Supplementary Information

Additional information may be obtained by calling Ms. Becky Lawson, Office of Recombinant DNA Activities, National Institutes of Health, Building 31, room 4B11, Bethesda, Maryland 20892. Phone 301–496–9838, FAX 301–496–9839 OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which biotechnology could be included, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: August 27, 1991.

Jeanne N. Ketley,

Acting Committee Management Officer, NIH.

[FR Doc. 91–21059 Filed 8–30–91; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[G–010–4212–11/G1–0121; NM85629]

Realty Action—Recreation and Public Purpose Act Classification, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action for a proposed Recreation and Public Purpose lease.

SUMMARY: This notice is to advise that the following public lands in San Juan County, New Mexico, have been examined and found suitable for classification for lease/patent to Nageezi Church of Christ under the provisions of the Recreation and Public Purpose Act, as amended (43 U.S.C. 869 *et seq.*). Nageezi Church of Christ proposes to use the lands for church purposes.

New Mexico Principal Meridian

T. 23 N., R. 9 W.,
Sec. 1, NW¼NW¼ of lot 2
Containing 2.53 acres, more or less.

The lands are not needed for Federal purposes. Leasing is consistent with current BLM land use planning and would be in the public interest.

The lease, when issued, will be subject to the following terms.

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. Provisions of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. 6901–6987 and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) as amended, 42 U.S.C. 9601 and all applicable regulations.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Farmington Resource Area, 1235 La Plata Highway, Farmington, New Mexico.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the District Manager, Bureau of Land Management, 435 Montano NE, Albuquerque, New Mexico 87107. Any adverse comments will be reviewed by the State Director. In the absence of any advance comments, the classification will become effective 60 days from the date of publication of this notice.

Dated: August 15, 1991.

Patricia E. McLean,

Associate District Manager.

[FR Doc. 91-20975 Filed 8-30-91; 8:45 am]

BILLING CODE 4310-FB-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT 760689.

Applicant: Leona Florkiewicz, Paradise Valley, AZ.

The applicant requests a permit to import the personal sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*), culled from a cpative-herd registered with the South African bontebok management program, for the purpose of enhancement of survival of the species.

PRT 760688.

Applicant: Warren F. Florkiewicz, Paradise Valley, AZ.

The applicant requests a permit to import the personal sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*), culled from a captive-herd registered with the South African bontebok management program, for the purpose of enhancement of survival of the species.

PRT 757578.

Applicant: National Zoological Park, Washington, DC.

The applicant requests a permit to purchase in interstate commerce a pair of captive-hatched Darwin's rheas (*Pterocnemia pennata*) from International Animal Exchange, Ferndale, MI for the purpose of enhancement of propagation and survival of the species.

PRT 760256.

Applicant: L.A. Waters, Houston, TX.

The applicant requests a permit to purchase in interstate commerce 35 captive-born lechwe (*Kobus leche*) and 7 captive-born Eld's brow-antlered deer (*Cervus eldi*) from the Rare Animal Survival Center, Ocala, Florida for the purpose of captive propagation. The animals were all born over the last 5 years at the Rare Animal Survival Center.

PRT 759507.

Applicant: Fort Worth Zoological Park, Fort Worth, TX.

The applicant requests a permit to import one captive born female organutan (*Pongo pygmaeus abelii*) from the Metropolitan Toronto Zoo, Ontario, Canada for the purpose of captive propagation.

PRT 760584.

Applicant: AAZPA Species Survival Plan for Black Rhino, Brownsville, TX.

The applicant requests a permit to import 4 male and 6 female wild-caught southern black rhinoceros (*Diceros bicornis minor*) from the Zimbabwe Dept. of National Parks & Wildlife Management for enhancement activities both in the wild and in captivity. The import is part of a worldwide breeding program for this species coordinated by the International Black Rhino Survival Trust. The animals and their offspring will be jointly owned by the Trust and Zimbabwe and offspring would be returned to supplement wild populations when needed. Additional assistance will be given to Zimbabwe for protection of wild rhinoceros. The imported animals will be placed in breeding programs at some or all of the following institutions, depending on the age and size of the animals and other factors: EL Coyote Ranch, Encino, Texas; La Coma Ranch, McAllen, Texas; McAllen Ranch or Santillana Ranch, Linn, Texas; White Oak Plantation, Yulee, Florida; Fossil Rim Ranch, Glen Rose, Texas; and Fort Worth Zoo, Fort Worth, Texas.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45-4:15) in the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: August 28, 1991.

Maggie Tieger,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 91-20998 Filed 8-30-91; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

General Management Plan, Grand Canyon National Park, Arizona; Intent To Prepare an Environmental Impact Statement

SUMMARY: The National Park Service will prepare a General Management Plan/Environmental Impact Statement (GMP/EIS) for Grand Canyon National Park, Arizona and initiate the scoping process for this document. This notice is in accordance with 40 CFR 1501.7 and 40 CFR 1508.22, of the regulations of the President's Council on Environmental Quality for the National Environmental Policy Act of 1969, Public Law 91-150.

Background

A Master plan was completed for Grand Canyon National Park in 1976. Several sub-plans were completed over the years and others have been initiated but not completed. Those that remain current and applicable will be incorporated by reference into the GMP, and ongoing planning efforts will be completed and incorporated if they are separable from, or will not be changed in the overall GMP effort. As examples, the Colorado River Management Plan, adopted in 1989, and the Backcountry Management Plan, adopted in 1988, will be incorporated. A Development Concept Plan/EIS for North Rim Visitor Facilities, which deals exclusively with overnight accommodations and associated visitor facilities for the Bright Angel Point area, is scheduled to be completed prior to issuance of the draft GMP with the final decision to be incorporated into the GPM as a resolved plan element. This effort has been

ongoing for several years with the draft plan and EIS issued and public comment period completed in early 1991. Also, existing elements of the Master Plan that remain valid will be incorporated into the GMP.

Issues to be addressed in the GMP/EIS include, but are not limited to: Transportation and circulation patterns; impacts of adjacent land use; new areas added since 1976; and visitor use management. Alternatives to address these issues will be developed in cooperation with the public, including a no-action alternative. Additionally, the EIS process will provide for a comprehensive analysis of impacts, especially taking into account cumulative effects and changed conditions since 1976.

Public involvement to begin to formulate the GMP/EIS issues and alternatives is expected to commence in fall 1991. This will consist of a series of meetings for which advance notice will be provided. For requests to participate in, or for any questions on the public involvement phase, please contact the Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon, AZ 86023, telephone number (602) 638-7701.

The responsible official is Stanley T. Albright, Regional Director, Western Region, National Park Service. The draft GMP and environmental impact statement are expected to be available for public review in late 1993, and the final plan, environmental statement and Record of Decision completed approximately one year later.

Dated: August 26, 1991.

Lewis Albert,

Regional Director, Western Region.

[FR Doc. 91-21033 filed 8-30-91; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Advisory Committee on Voluntary Foreign Aid

August 22, 1991.

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA) Tuesday, September 24, 1991. Topic for discussion will be the continued review and analysis of the new A.I.D. initiatives and their implications from the perspective of the private voluntary community.

Date: September 24, 1991.

Time: 9:00 a.m.-3 p.m.

Place: State Department, Dean Acheson Auditorium, 23rd Street Entrance (between C and D Streets), Washington, DC 20523.

The meeting is free and open to the public. However, notification by September 17, 1991 through the Advisory Committee Headquarters is required.

Persons wishing to attend the meeting must call Theresa Graham or Susan Saragi (202) 663-2521, or write to: Advisory Committee on Voluntary Foreign Aid, Agency for International Development, room 402 SA-2, Washington, DC 20523-0220.

Dated: August 22, 1991.

Sally H. Montgomery,

Deputy Assistant Administrator, Private and Voluntary Cooperation, Food for Peace and Voluntary Assistance.

[FR Doc. 91-20934 Filed 8-30-91; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Release of Waybill Data for Use by Freight Equipment Management Research-Demonstration Program Association of American Railroads

The Commission has received a request from the Freight Equipment Management, Research-Demonstration Program of the Association of American Railroads (AAR) for permission to use certain data from the Commission's 1990 ICC Waybill Sample.

A copy of the request (WB099-8/7/91) may be obtained from the ICC Office of Economics.

The Waybill Sample contains confidential railroad and shipper data; therefore, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data [Ex Parte 385 (Sub-No. 2)] are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 275-6864.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-20999 Filed 8-30-91; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to CERCLA

In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(i), and the policy of the Department of Justice at 28 CFR 50.7, notice is hereby given that on August 22, 1991, a proposed consent decree in *United States* v. *ACC Chemical Company et al.*, Civil Action No. 3-91-CV-70098, was lodged with the United States District Court for the Southern District of Iowa, Davenport Division. The proposed consent decree, which resolves claims by the United States under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, requires the past operators of the facility to finance and perform a groundwater operable unit remedy at the Chemplex Site, a polyethylene manufacturing facility and surrounding areas located near Clinton, Iowa, and to reimburse the United States for past response costs and for future oversight costs in connection with the operable unit. The consent decree also requires the current operator and owner to provide access necessary for performance of the remedial action and to place certain deed restrictions on the property.

The proposed consent decree includes the Record of Decision (ROD) for the groundwater remedy at the Site, which was issued by the U.S. Environmental Protection Agency (EPA) Region VII on September 27, 1989. As a result of information generated after issuance of the ROD, EPA determined that significant changes were necessary to components of the remedy described in the ROD and, pursuant to section 117(c) of CERCLA, 42 U.S.C. 9617(c), has issued an Explanation of Significant Differences (ESD) which describes and summarizes the reasons for these changes. The Explanation of Significant Differences is also made available to the public as part of the proposed consent decree.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530. All comments should refer to *United States* v. *ACC et al.*, DOJ #90-11-2-543.

The proposed consent decree may be examined at the Office of the United States Attorney for the Southern District of Iowa, room 115, U.S. Courthouse, East 1st and Walnut Streets, Des Moines, Iowa, and at the U.S. Environmental Protection Agency, Region VII, Office of Regional Counsel, 726 Minnesota Avenue, Kansas City, KS 66101. The proposed decree may also be examined at the Environmental Enforcement

Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004, (202) 347-2072. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, at the above address. In requesting a copy, please enclose a check for copying costs in the amount of $44.50 (25 cents per page), payable to "Consent Decree Library." When requesting a copy, please refer to *United States* v. *ACC Chemical Company et al.*, DOJ #90-11-2-543.

Barry M. Hartman,

Acting Assistant Attorney General, Environmental and Natural Resources Division.

[FR Doc. 91-20937 Filed 8-30-91; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Senior Executive Service Performance Review Board Membership

AGENCY: President's Council on Integrity and Efficiency (PCIE).

ACTION: Notice.

SUMMARY: Notice is hereby given of the current membership of the PCIE Performance Review Board.

DATES: August 27, 1991.

FOR FURTHER INFORMATION CONTACT: Individual Offices of Inspector General.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of title 5 U.S.C., requires each agency to establish in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. This board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Members of the President's Council on Integrity and Efficiency Performance Review Board are:

Members	Title
Agency for International Development	
Corbett M. Flannery	Assistant Inspector General for Security.
Gene Richardson	Assistant Inspector General for Investigations.
Department of Agriculture	
Charles R. Gillum	Deputy Inspector General.
James R. Ebbitt	Assistant Inspector General for Audit.
Craig L. Beauchamp	Assistant Inspector General for Investigations.
Paula F. Hayes	Assistant Inspector General for Policy Development and Resources Management.
Richard Long	Deputy Assistant Inspector General for Audit.
Everett Mosley	Deputy Assistant Inspector General for Audit.
Jeffrey Rush	Deputy Assistant Inspector General for Investigations.
Department of Commerce	
Michael Zimmerman	Deputy Inspector General.
J. Steven Sadler	Deputy Assistant Inspector General for Regional Audits.
Charles M. Hall	Assistant Inspector General for Inspections and Resource Management.
Department of Defense	
Derek J. Vander Schaaf	Deputy Inspector General.
Nicholas T. Lutsch	Assistant Inspector General for Administration and Information Management.
Jack L. Montgomery	Deputy Assistant Inspector General for Administration and Information Management, OAIG, AIM.
David A. Brinkman	Assistant Inspector General for Analysis and Followup.
Robert J. Lieberman	Assistant Inspector General for Auditing.
Edward R. Jones	Deputy Assistant Inspector General for Auditing, OAIG, AUD.
Nancy L. Butler	Director, Financial Management, Directorate, OAIG, AUDIT.
Donald E. Reed	Director, Acquisition Management Directorate, OAIG, AUD.
David K. Steensma	Director, Contract Management Directorate, OAIG, AUD.
William F. Thomas	Director, Readiness and Operational Support Directorate, OAIG, AUD.
Michael R. Hill	Assistant Inspector General for Audit Policy and Oversight.
Donald E. Davis	Deputy Assistant Inspector General for Audit Policy and Oversight, OAIG, APO.
Michael B. Suessmann	Assistant Inspector General for Departmental Inquiries.
Katherine A. Brittin	Assistant Inspector General for Inspections.
Stephen A. Whitlock	Director, Inspections Directorate, OAIG, INS.
Donald Mancuso	Assistant Inspector General for Investigations.
William G. Dupree	Deputy Assistant Inspector General for Investigations, OAIG, INV.
Department of Energy	
Gordon W. Harvey	Assistant Inspector General for Audits.
Michael W. Conley	Assistant Inspector General for Inspections.
Paul M. Misso	Assistant Inspector General for Investigations.
M. Thomas Abruzzo	Deputy Assistant Inspector General for Investigations.
Gregory H. Friedman	Deputy Assistant Inspector General for Audit Operations.
Stanley R. Saulak	Deputy Assistant Inspector General for Audit Policy, Plans and Programs.
Department of Health and Human Services	
Joseph E. Vengrin	Assistant Inspector General for Audit Policy and Oversight.
Robert A. Simon	Assistant Inspector General for Criminal Investigations.

Members	Title
Department of Housing and Urban Development	
John J. Connors	Deputy Inspector General.
John H. Greer	Assistant Inspector General for Audit.
Patrick J. Neri	Assistant Inspector General for Investigations.
Department of the Interior	
Joyce N. Fleischman	Deputy Inspector General.
Thomas T. Sheehan	Assistant Inspector General for Investigations.
Harold Bloom	Assistant Inspector General for Audits.
Marvin E. Pierce	Deputy Assistant Inspector General for Audits.
Department of Labor	
Gerald W. Peterson	Assistant Inspector General for Audit.
Joseph Fisch	Deputy Assistant Inspector General for Audit.
Irving A. Bassett	Assistant Inspector General for Investigations.
Gustave Schick	Assistant Inspector General for Labor Racketeering.
E. J. German	Assistant Inspector General for Resource Management and Legislative Assessment.
Department of State	
John C. Payne	Assistant Inspector General for Audit.
Milton M. MacDonald	Deputy Assistant Inspector General for Audit.
Kathleen J. Charles	Assistant Inspector General for Policy, Planning and Management.
Beverly C. Lovelady	Deputy Assistant Inspector General for Security Oversight.
John Duncan	Counsel to the Inspector General.
Robert S. Terjesen	Assistant Inspector General for Investigations.
James K. Blubaugh	Deputy Assistant Inspector General for Inspections.
Department of Transportation	
Raymond J. DeCarli	Assistant Inspector General for Auditing.
Sebastian R. Lorigo	Deputy Assistant Inspector General for Investigations.
John W. Lainhart IV	Assistant Inspector General for Policy, Planning and Resources.
Lawrence H. Weintrob	Deputy Assistant Inspector General for Auditing.
Department of the Treasury	
Robert P. Cesca	Deputy Inspector General.
Jay M. Weinstein	Assistant Inspector General for Audit.
Gary L. Whittington	Assistant Inspector General for Policy, Planning and Resources.
Charles D. Fowler III	Assistant Inspector General for Investigations.
John N. Balakos	Assistant Inspector General for Oversight and Quality Assurance.
Dennis S. Schindel	Deputy Assistant Inspector General for Audit Operations.
Karla Cocran	Deputy Assistant Inspector General for Audit Program.
Department of Veterans Affairs	
William T. Merriman	Deputy Inspector General.
Michael J. Costello	Assistant Inspector General for Investigations.
Alastair M. Connell	Assistant Inspector General for Health Care Inspections.
Michael G. Sullivan	Assistant Inspector General for Auditing.
John M. Clarkson	Deputy Assistant Inspector General for Investigations.
Michael Slachta, Jr.	Deputy Assistant Inspector General for Auditing.
Environmental Protection Agency	
James O. Rauch	Deputy Assistant Inspector General for Audit.
National Aeronautics and Space Administration	
William D. Hager	Assistant Inspector General for Investigations.
Richard J. Pelletier	Assistant Inspector General for Auditing.
Office of Personnel Management	
Harvey D. Thorp	Assistant Inspector General for Audits.
Railroad Retirement Board	
William J. Doyle III	Inspector General.
Charles R. Sekerak	Assistant Inspector General for Investigations.
Small Business Administration	
Stephen N. Marica	Assistant Inspector General for Investigations.

Members	Title
United States Information Agency	
J. Richard Berman	Assistant Inspector General for Audit.

Dated: August 27, 1991.

Julian W. De La Rosa,

Inspector General, Department of Labor, and Chair, PCIE Internal Operations Committee.

[FR Doc. 91-21034 Filed 8-30-91; 8:45 am]

BILLING CODE 4510-21-M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Houston Electronics, Kane, PA

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of August 1991.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-25,966; Houston Electronics, Kane, PA

TA-W-25,947; Republic Engineered Steel, Inc., Cold Finish Bar Div., Massillon, OH

TA-W-25,943; P.P.G. Industries, Inc., Mt. Zion, IL

TA-W-25,931; Corry Manufacturing Co., Corry, PA

TA-W-25,887; United Technologies, Automotive Engineered Systems Div., Herrin, IL

TA-W-25,902; Mendicino Dress, Long Island City, NY

TA-W-25,955; Accurate Bushing Co., Inc., Garwood, NJ

TA-W-25,964; Eljer Manufacturing, Inc., Atlanta, GA

TA-W-25,973; Nish-Nah Bee Plastics, Traverse City, MI

TA-W-25,944; Premix I.E.M.S., Inc., Lancaster, OH

TA-W-25,960; The Doe Run Co., St. Louis, MO

TA-W-25,961; The Doe Run Co., Semo Mining & Milling Div., Viburnum, MO

TA-W-25,962; The Doe Run Co., Smelting Div., Herculaneum, MO

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-25,971; Maclaw Precision Parts, Syracuse, NY

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25,998; GTE Sylvania Products Corp., Danvers, MA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,005, San Juan County, Mining Venture, Silverton, CO

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,061; Federal Deposit Insurance Corp., Midland Consolidated Office, Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,022; Bentley Coal Co., Coalton, WV

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,099; Empire-Orr, Inc., Elizabeth, NJ

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-25,980; Scott Fetzer Co., Powerwinch Div., Bridgeport, CT

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,096; Carbon Fuel Resources, Inc., Pittsburgh, PA

U.S. imports of coal are negligible.

TA-W-25,953; Lebanon Plywood Plant, Williamette Industries, Lebanon, OR

U.S. imports of softwood and plywood are negligible.

TA-W-25,954; Cascade Logging Plant, Willamette Industries, Lebanon, OR

U.S. imports of logs (softwood and hardwood) are negligible.

TA-W-26,0265; Crisa Corp., Laredo, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-25,986; Wilson Sorting Goods, Edison, NJ

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,073; Ogden Service, Inc., Oklahoma City, OK

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-25,974; Pacific Ford, Inc., Philadelphia, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-25,813 & TA-W-25,813A; Republic Engineered Steels, Inc., Hot Rolled Bars Div., Massillon, OH & Canton, OH

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25,949; St. Marys Carbon Co., Carbon Products Div., St. Marys, PA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25,969 & TA-W-25,970; LTV Energy Product Co., U.S. Distribution Div., Casper, WY & Gillette, WY

Increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-25,942; Niagara Machine & Tool Works, Inc., Buffalo, NY

A certification was issued covering all workers separated on or after June 9, 1990.

TA-W-26,085; USX Corp., Clairton Coke Works, Clairton, PA

A certification was issued covering all workers separated on or after July 15, 1990.

TA-W-26,023; Bergen Cable Technologies, Inc., Lodi, NJ

A certification was issued covering all workers separated on or after June 19, 1990.

TA-W-25,963; Dura Mechanical Components, Inc., Toledo, OH

A certification was issued covering all workers separated on or after June 11, 1990.

TA-W-25,985; Whittenton Lighting Products, Inc., Taunton, MA

A certification was issued covering all workers separated on or after June 5, 1990.

TA-W-25,932; Dawn Dress Co., Scranton, PA

A certification was issued covering all workers separated on or after June 6, 1990.

TA-W-26,063; General Motors Corp., CPC Tarrytown, Tarrytown, NY

A certification was issued covering all workers separated on or after July 3, 1990.

TA-W-25,859, Bogert Oil Co., Oklahoma City, OK

A certification was issued covering all workers separated on or after May 20, 1990.

TA-W-25,941; Newell Enterprises, Inc., San Antonio, TX

A certification was issued covering all workers separated on or after April 15, 1991.

TA-W-25,965; Gleason Corp., Tooling Products Group, Rochester, NY

A certification was issued covering all workers separated on or after June 12, 1990.

TA-W-25,935; Douglas & Lomason, Milan, TN

A certification was issued covering all workers separated on or after June 1, 1990.

TA-W-25,951; Valarie Sportswear, Inc., (AKA) Dale Fashions, Inc., Vineland, NJ

A certification was issued covering all workers separated on or after May 30, 1990 and before January 31, 1991.

TA-W-25,913 and TA-W-25,914; Converse, Inc., North Reading, MA and Lumberton, NC

A certification was issued covering all workers separated on or after May 30, 1990 and before August 13, 1991.

TA-W-25,933 and TA-W-25,933A; Dekalb Energy Co., Denver, CO and Operating at Various Other Locations in Colorado

A certification was issued covering all workers separated on or after January 1, 1991.

I hereby certify that the aforementioned determinations were issued during the months of August, 1991. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: August 26, 1996.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-21027 Filed 8-30-91; 8:45 a.m.]

BILLING CODE 4510-30-M

[TA-W-25,646]

Farah Manufacturing Co., El Paso, TX; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Correction

This notice corrects the certification on petition TA-W-25,646 which was published in the **Federal Register** on June 5, 1991 (56 FR 25699) in FR Document 91-13220. The Department inadvertently set the impact date as March 25, 1990.

The affirmative determination for petition TA-W-25,646 should read: "Farah Manufacturing Co., El Paso, Texas. A certification was issued covering all workers separated on or after April 22, 1991."

Signed in Washington, DC, this 27th day of August 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-21026 Filed 8-30-91; 8:45 am]

BILLING CODE 4510-30-M

Pension and Welfare Benefits Administration

[Application No. D-8606, 8607, et al.

Proposed Exemptions; Dale L. Waters, Inc. 401(k) Profit Sharing (the PS Plan); and Dale L. Waters, Inc. Money Purchase Pension Plan (the MP Plan) et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this Federal Register Notice. Comments and request for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, room N-5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, room N-5507, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice of Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of proposed exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Dale L. Waters, Inc. 401(k) Profit Sharing Plan (the PS Plan); and Dale L. Waters, Inc. Money Purchase Pension Plan (the MP Plan; Together, the Plans), Located in Sacramento, California

[Application Nos. D-8606 and D-8607]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale by the Plans of their interests (the Interests) in the Group 9191 Partnership (the Partnership) to Mr. Dale L. Waters, a party in interest with respect to the Plans, provided the PS Plan receives the greater of $33,898.25 or the fair market value of its Interest on the date of the sale, and the MP Plan receives the greater of $53,166.55 or the fair market value of its Interest on the date of the sale.

Summary of Facts and Representations

1. The PS Plan is a defined contribution plan with five participants and approximately $138,795 in total assets. The MP Plan also has five participants and has approximately $198,906 in total assets. Dale L. Waters is the sole shareholder of Dale L. Waters, Inc. (DLWI), the sponsoring employer of the Plans. He is also a trustee of the Plans.

2. On June 28, 1984, each of the Plans became a partner in the Partnership, which was formed to acquire, hold and lease certain improved real property in Sacramento County, California. The PS Plan paid $19,000 for its investment in the Partnership, and the MP Plan paid $8,000. On August 3, 1984, the Partnership acquired three parcels of improved real property (the Properties) from Alexander and Dortha Gould, parties unrelated to the Partnership, the Plans and DLWI.

3. The Properties consist of three office condominiums located at 9191 Folsom Boulevard, Sacramento, California. Unit One is a 1400 square foot commercial office condominium for which the Partnership paid $123,760. Unit Two is an 819 square foot commercial office condominium for which the Partnership paid $72,664. Unit Three is an 1123 square foot commercial office condominium for which the Partnership paid $102,897.

4. On September 1, 1984, the Partnership entered into a lease agreement for Unit One with DLWI (doing business as Benefit Insurance Services). DLWI has been the sole tenant of Unit One and continues to rent the premises on a month-to-month basis. On August 1, 1984, the Partnership entered into a two-year lease agreement for Unit Two with DLWI. At the end of this two-year lease, the Partnership leased Unit Two to unrelated parties. On July 1, 1990, the Partnership expanded the leased premises of Unit One to include Unit Two. This was accomplished by tenant improvements that joined the two units into one leased space. As of that same date, the Partnership entered into a lease agreement for Unit One and Unit Two with DLWI, although the arrangement was not formally documented. This lease agreement continues to be in effect. On September 1, 1984, the Partnership leased Unit Three to parties unrelated to DLWI and the Plans. Unit Three continues to be leased to these unrelated parties on a month-to-month basis.

5. Since the original investment in the Properties in 1984, the Partnership Agreement has been amended twice to reflect transfers of Partnership interests. On May 1, 1987, the MP Plan bought the 4.863% interest of David G. and Phyllis J. McClary for $4,800, the .912% interest of Ralph and Roberta Moody for $900, the 6.586% interest of Rita E. Gibson for $6,500 and 3.85% of the 4.863% interest of David and Vera Waters, parents of Dale L. Waters for $864. With the exception of David and Vera Waters, the above-named individuals withdrew from the Partnership at that time. On November 1, 1988, the MP Plan bought the 4.863% interest of Jake and Mary Ramsey for $6,937 and the remaining 1.013% interest of David and Vera Waters for $2,587. These individuals withdrew from the Partnership at that time.

6. Currently, the MP Plan owns a 30.192% Interest in the Partnership, and the PS Plan owns a 19.25% Interest in the Partnership. The MP Plan has paid a total of $30,588 for its Interest, and the PS Plan has paid only its original investment of $19,000 for its Interest. Brian J. Russell, CPA, of Glentzer & Dunnigan, an independent certified public accountant in Sacramento, California, has appraised the PS Plan's Interest in the Partnership as having a fair market value of $33,898.25, and the MP Plan's Interest as having a fair market value of $53,166.55 as of December 19, 1990. Mr. Russell based his calculation of the Properties performed by Robert G. Stringer, ASA, of California National Appraisal Company, an independent real estate appraiser in Sacramento, California.

7. As a result of an Internal Revenue Service (the IRS) audit of the Plans for the Plan years ending August 31, 1988, 1989 and 1990, DLWI first became aware that some of the transactions described above constituted prohibited transactions. David & Vera Waters, as parents of Dale L. Waters, are parties in interest with respect to the Plans. Likewise, David G. McClary, as a highly compensated employee and officer of DLWI, is also a party in interest with respect to the Plans. Accordingly, the purchases of their Partnership interests by the MP Plan constituted prohibited transactions. In addition, the leasing of Units One and Two by DLWI has been determined to be a prohibited transaction. As a result of these prohibited transactions, the affected parties represent that they have filed IRS Form 5330 and have paid the applicable excise taxes for the years 1987, 1988 and 1989. The applicant further represents that within 60 days of the date of granting of the exemption

proposed herein, the applicant will pay to the IRS any remaining unpaid excise taxes due as a result of the current prohibited transactions.

8. The applicant is now requesting an exemption that will permit the Plans to sell their Interests in the Partnership to Dale L. Waters, individually. Dale L. Waters will pay the greater of the fair market value of the Plans' Interests, to be determined by independent appraisal as of the date of the sale, or the fair market values as determined by Mr. Russell's independent appraisal on December 19, 1990 (see rep. 6, above). No expenses will be incurred by the Plans in connection with the sale; all expenses will be borne by Dale L. Waters. Mr. Waters will pay cash to the Plans for the Interests.

9. The applicant represents that granting the proposed transaction would permit the parties to undo an existing prohibited transaction. In addition, the sale by the Plans will increase the Plans' liquidity and enable the Plans to dispose of an investment that is not very marketable.

10. The applicant represents that for the years 1984 through 1989, DLWI paid $450 paid $1,344 in monthly rent for Unit One. For the years 1990 and 1991, the rent was increased to $2,144 per month. For Unit Two, DLWI paid $450 per month in rent in 1984 and 1985. Unit Two was vacant in 1986. Unit Two was rented to an unrelated party in 1987, 1988 and 1989. DLWI has paid $800 monthly in rent for Unit Two for 1990 and 1991. The applicant represents that the rental amounts paid for Units One and Two were determined by reference to the rents being charged for the adjoining units, Three and Four. Unit Three, which is owned by the Partnership, has always been rented to unrelated parties. Unit Four is owned by the Plans and two unrelated parties as tenants in common.

11. Security Trust Company (STC) of Pasadena, California has been retained by the Plans to act as independent fiduciary with respect to the subject transactions. STC represents that it is a California corporation authorized by the State Banking Department to conduct business as a Trust Company. STC represents that its officers and employees have been experienced in serving qualified employee benefit plans, in various fiduciary capacities, for over 20 years. STC represents that it has had no business dealings with Dale L. Waters or any other parties in interest involved in the transactions described in this notice.

12. The applicant represents that if the Partnership received less than fair market rental value from DLWI for Units One and Two, Dale L. Waters will pay such difference to the Partnership, plus interest at the appropriate market rate within 60 days of the granting of the exemption, and the Plans will receive their proportionate share. Similarly, if the Plans paid more than the fair market value for their purchase of the Partnership interests of David McClary and David and Vera Waters (see rep. 5 above), Dale L. Waters will pay such difference to the Plans, plus interest at the appropriate market rate, within 60 days of the granting of the exemption. STC represents that it will make the determinations on behalf of the Plans as to whether: (a) The purchases of Interests in the Partnership by the Plans were not made in excess of fair market value; (b) the Partnership received fair market rental value under the leases with DLWI; and (c) the proposed sale by each Plan of its Partnership Interest to Dale L. Waters is at a price not less than fair market value. In addition, STC represents that it will calculate the appropriate interest on any shortfalls in rent or on any overpayments made by the Plans in their acquisitions of Partnership Interests, to ensure that the Plans will be made whole. In order to determine that the Plans will receive not less than the fair market value of their Interests, STC will review the appraisal performed by Mr. Russell (see rep. 6 above) and will obtain another independent appraisal of the Partnership at the time of the sale of the Plans' Interests to Dale Waters.

13. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 408(a) of the Act because: (1) the sale is a one-time transaction for cash, and the Plans will pay no commission or expenses in connection with the sale; (2) the Plans will be receiving the fair market value of the Interests as determined by independent appraisal; (3) all applicable excise taxes due by reason of the past prohibited transactions have already been paid or will be paid by Dale L. Waters within 60 days of the publication in the Federal Register of the grant of the exemption proposed herein; (4) Dale L. Waters will make up any shortfall in the rent for Units One and Two below fair market value, and will return any amount above fair market value paid by the Plans for the purchase of the Partnership interests of David McClary and David and Vera Waters, together with appropriate fair market rate of interest, within 60 days of the granting of the exemption proposed herein; and (5) STC will act as independent fiduciary on behalf of the Plans to make all determinations regarding past rental payments made to the Partnership by DLWI and purchase prices of Partnership Interests to ensure that the Plans are made whole.

FOR FURTHER INFORMATION CONTACT: Gary Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Austin Supply Incorporated Defined Benefit Plan Pension Plan (the Plan), Located in Sacramento, California

[Application No. D-8476]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code in accordance with the procedures set forth in ERISA Procedures 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to a proposed loan (the Loan) of $180,000 by the Plan to Austin Supply, Incorporated provided that the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plan is the defined benefit plan of Austin Supply Incorporated (the Employer), and as of June 30, 1990, the Plan had 16 participants. As of January 1, 1991, the value of the Plan's assets was $726,873.

2. The Employer proposes to borrow $180,000 from the Plan at an interest rate equal to the prime rate plus 1.5%, but not at a rate less than 10%. The Employer will pay a commitment fee of $250 to the Plan. For purposes of this transaction, the prime rate will mean the lending rate as declared by the Bank of America on the last working day preceding the date of the Note evidencing the Loan, and thereafter shall be redetermined every three months on the last working day of the month of each such three month period. The Loan will be repaid in monthly installments in equal amounts of principal and interest for ten years. As security for the Loan, the Employer will pledge his inventory of plumbing supplies. The security will be evidenced by a Form UCC-1 properly filed with the Office of the Secretary of State in the State of California as required by the California Uniform Commercial Code.

3. Mr. Donald W. Finton, a certified public accountant with the firm of Finton, Foley & Rose of Sacramento, California has been appointed to serve

as independent fiduciary on behalf of the Plan with respect to the Loan. Mr. Finton states that he has been apprised by counsel of his fiduciary duties and responsibilities required by ERISA, and will exercise due diligence to fulfill them. Mr. Finton will monitor the transaction, oversee the servicing of the Loan, and in the case of default, seek restitution for the Plan. Mr. Finton has reviewed the terms of the proposed transaction and represents that they are at least as favorable as the terms of a similar transaction with an unrelated third party. The terms of the Loan are equivalent to terms the Employer received on a loan from the previous year by First Interstate Bank which the Employer has repaid. Mr. Finton further represents that as of January 22, 1991, the wholesale value of the Employer's inventory exceeds $725,867 by a substantial margin. Based on his experience in and familiarity with the type of business which the Employer is engaged in, Mr. Finton represents that he has determined that the liquidation value of the Employer's inventory is at least 50% of the wholesale cost of such inventory, and there is demand for goods of this type in the area where the Employer conducts its business. In addition, Mr. Finton states that in the event of a default, the goods are of a type which could be sold rapidly.

4. In summary, the applicant represents that the proposed Loan meets the statutory criteria for an exemption under section 408(a) of the Act because: (a) The amount of the Loan represents less than 25% of the Plan's assets; (b) the Loan will be secured by a first priority security interest under the California Uniform Commercial Code in the Employer's inventory; (c) the fair market value of the Employer's inventory which will be used as collateral for the Loan is valued at more than 200% of the amount of the Loan; and (d) Mr. Donald W. Finton who will serve as independent fiduciary had reviewed the terms of the proposed transaction and has determined that they are at least as favorable to the Plan as a like transaction with an unrelated third party.

FOR FURTHER INFORMATION CONTACT: Allison Padams of the Department of Labor, telephone (202) 523-8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 28th day of August 1991.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 91-20973 Filed 8-30-91; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 91-47; Exemption Application No. D-8655, et al.]

Grant of Individual Exemptions; Riebe's Automotive Supply, Inc., et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Riebe's Automotive Supply, Inc. Profit Sharing Plan (the Plan), Located in Grass Valley, California

[Prohibited Transaction Exemption 91-47; Exemption Application No. D-8655]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale (the Sale) of certain real property (the Property) by the Plan to Riebe's Automotive Supply, Inc., the sponsor of the Plan and a party in interest with respect to the Plan, for the greater of either (1) $67,000, or (2) the fair market value of the Property as determined by a qualified, independent appraiser on the date of the Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 8, 1991, at 56 FR 30940.

FOR FURTHER INFORMATION CONTACT: Mr. C.E. Beaver of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Club Corporation of America Employees' Savings and CCA Investment Plan (the Plan), Located in Dallas, Texas

[Prohibited Transaction Exemption 91-48; Exemption Application No. D-8740]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to an interest-free extension of credit (the Advances) to the Plan by FFC, Inc. a party in interest with respect to the Plan, provided that: (a) No interest and/or expenses are paid by the Plan; (b) the proceeds of the Advances are used only to honor participant directions for transfers and withdrawals out of the Interest Income Fund in the Plan and in lieu of full final payment to the Plan by Executive Life upon the maturity of Guaranteed Investment Contract #CG01322A3A on April 30, 1992; (c) repayment of the Advances will be restricted to the cash proceeds obtained by the Plan from Executive Life and/or the Guaranty Fund; and (d) repayment of the Advances will be waived with respect to the amount by which the Advances exceed the amount the Plan receives from the disposition of the GIC.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 8, 1991 at 56 FR 30941.

Written Comments: The Department received one written comment and no requests for a hearing. The comment, which was submitted by the applicant, addressed a proposed condition on the use of the Advances which are the subject of the proposed exemption. Condition (b) of the proposed exemption would require that proceeds of the Advances be used only to honor participant directions for transfers and withdrawals out of the Interest Income Fund in the Plan. The applicant represents that its exemption application included the proposal that, upon maturity of the GIC on April 30, 1992, FFC would, if necessary, make an additional Advance in an amount sufficient to make the plan whole, taking into account previous Advances and any amounts recovered on the GIC by the Plan. The applicant notes that this intention was recognized in paragraph 5 of the Summary of Facts and Representations published by the Department with the notice of proposed exemption. The applicant suggested that the wording of condition (b) in the exemption be amended to permit this potential Advance upon maturity of the GIC. For this reason, the wording of condition (b) in the exemption has been changed to provide that the proceeds of the Advances are used only to honor participant directions for transfers and withdrawals out of the Interest Income Fund in the Plan and in lieu of full final payment to the Plan by Executive Life upon the maturity of Guaranteed Investment Contract #CG01322A3A on April 30, 1992.

The applicant's comment also corrects an error in the notice of proposed exemption relating to the name of the party in interest which is extending credit to the Plan in the form of the Advances. The entity is properly identified as FFC, Inc., instead of FCC, Inc. as appeared in the notice of proposed exemption.

After consideration of the entire record, including the applicant's comment, the Department has determined to grant the exemption as amended.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 28th day of August 1991.

Ivan Strasfeld,

Director of Exemption Determination, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 91-20972 Filed 8-30-91; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meetings

AGENCY: National Commission for Employment Policy.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given of a public meeting to be held in Ashlawn North of the Vista International Hotel, Washington, DC.

DATES: Thursday, September 19, 1991, 8:30 a.m.–3 p.m., Friday, September 20, 1991, 8:30 a.m.–12 p.m.

STATUS: The meeting is to be open to the public.

MATTERS TO BE DISCUSSED: The purpose of this public meeting is to enable the Commission members to discuss progress on the research agenda, findings received from prior hearings, and budget and administrative matters.

FOR FURTHER INFORMATION, CONTACT: Barabara C. McQuown, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, DC 20005, (202) 724–1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established pursuant to Title IV–F of the Job Training Partnership Act (Public Law 97–300). The Act charges the Commission with the broad responsibility of advising the President, and the Congress on national employment issues.

The meeting will be open to the public. Handicapped individuals wishing to attend should contact the Commission so that appropriate accommodations can be made.

Anyone wishing to submit comments prior to the meeting, should do so by September 16, and they will be included in the record. Minutes of the meeting will be available for public inspection at the Commission's headquarters, 1522 K Street, NW., suite 300, Washington, DC 20005.

Signed at Washington, DC, this 28th day of August 1991.

Barbara C McQuown,

Director, National Commission for Employment Policy.

[FR Doc. 91–21028 Filed 8–30–91; 8:45 am]

BILLING CODE 4510–23–M

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

Meeting Announcement

AGENCY: National Commission on Severely Distressed Public Housing.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Commission on Severely Distressed Public Housing announces a forthcoming meeting of the Commission.

DATES: September 10, 1991, 9:30 a.m.–3 p.m.

ADDRESSES: Public Hearing, St. Louis, 801 North Compton (Blumeyer), St. Louis, MO 63106.

FOR FURTHER INFORMATION CONTACT: Carmelita Pratt, Administrative Officer, The National Commission on Severely Distressed Public Housing, 1100 L Street, NW., room 7121, Washington, DC 20005 (202) 275–6933.

Type of Meeting: Open.

Due to scheduling difficulties, this notice could not be published 15 days prior to this meeting as required by the Federal Advisory Committee Act.

Carmelita R. Pratt,

Administrative Officer.

[FR Doc. 91–21002 Filed 8–30–91; 8:45 am]

BILLING CODE 6820–07–M

NATIONAL SCIENCE FOUNDATION

Permit Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit issued under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

SUPPLEMENTARY INFORMATION: On July 25, 1991, the National Science Foundation published a notice in the **Federal Register** of permit applications received. A permit was issued to Mark Allen Chappell on August 26, 1991.

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 91–20945 Filed 8–30–91; 8:45 am]

BILLING CODE 7555–01–M

Instrumentation and Laboratory Improvement Program Announcement and Guidelines

Closing Dates: November 15, 1991.

This printed information contains the essence of the announcement for this program, and is not a full copy of the actual brochure containing the guidelines for submission. Before submitting a proposal, obtain a printed copy of the guidelines by writing or calling the publications office of NSF.

The Instrumentation and Laboratory Improvement Program (ILI) is an integral part of NSF's effort to strengthen U.S. undergraduate education. The FY 1991 budget provided $23 million in support of the program, $16 million allocated for projects at non-doctoral institutions and $7 million for doctoral institutions. Of the nearly 2300 proposals (requesting $105 million) received, 1400 were from non-doctoral institutions and 900 were from doctoral institutions. A total of 600 awards were made, 430 to non-doctoral and 170 to doctoral colleges and universities. A similar number of awards is anticipated in FY 1992.

Some other NSF programs supporting undergraduate science, engineering and mathematics education in addition to ILI are summarized in section VI of this brochure.

Inquiries

Questions regarding the Instrumentation and Laboratory Improvement Program that are not addressed in this publication may be directed to: Division of Undergraduate Science, Engineering, and Mathematics Education (USEME), National Science Foundation, 1800 G Street NW., Washington, DC 20550, (202) 357–7051. Bitnet; Undergrad@NSF. Internet: Undergrad@NSF.GOV.

Leadership Projects in Laboratory Development (LLD)

In addition to awards solely to support the acquisition of instrumentation, the ILI program anticipates making a small number of awards in FY 1992 for innovative pilot projects that have potential to provide national models for undergraduate laboratory instruction. The purpose of the ILI–LLD is to support the extensive development required to undertake fundamental reform and improvement of undergraduate laboratory instruction. Proposals submitted in the Leadership in Laboratory Development category may address content, methods, modes of operation, new technology, or the contexts for science, mathematics and/or engineering education. Budgets for ILI–LLD proposals may include reasonable costs in any category normally allowed by NSF. Requests for up to $100,000 are permitted.

Undergraduate laboratory instruction at any level in any discipline or combination of disciplines ordinarily supported by the National Science Foundation may be addressed. Individuals or groups wishing to consider this option should contact an ILI Program Director at (202) 357–7051 before preparing a 2–3 page preliminary proposal. Following this initial discussion, the preliminary proposal, including a project outline, personnel involved, and an approximate budget should be received by an ILI Program Director no later than six weeks before the formal proposal closing date of

November 15, 1991. Awards are anticipated to be for one year. Formal proposals must be postmarked no later than November 15, 1991.

Undergraduate Science, Engineering, and Mathematics Education

Instrumentation and Laboratory Improvement Program

I. General Program Description

A. Purpose and Scope. Excellent undergraduate instruction in science, mathematics, and engineering is needed by those who will become scientists and engineers, teachers, leaders in business and government, and literate citizens. Laboratory or field experiences with suitable modern instruments are crucial elements of that instruction.

The NSF Instrumentation and Laboratory Improvement program (ILI) aims to improve the quality of undergraduate instruction by supporting the acquisition of instruments for laboratory courses in science, mathematics, or engineering. "Laboratory" for ILI purpose means any setting affording students active participation in learning subject matter; the setting may involve an observatory, the field, or a computer room, as well as the traditional laboratory. ILI provides matching grants in the range of $5,000 to $100,000 for instrumentation that serves as the basis for undergraduate instructional improvement at universities and two-year and four-year colleges in the U.S. and its territories.

The specific objectives of ILI are to encourage and support the:

- Use of modern instruments to improve the education of undergraduate students, both majors and non-majors, in science, mathematics, and/or engineering.
- Introduction of new instrumental technology into science, mathematics, and engineering instruction.
- Development of new experiments or applications for instruments that extend the instructional capabilities of the equipment.
- Establishment of equipment-sharing via consortia or centers.

The ILI program aims to improve laboratory instruction nationally as well as at specific project sites. Accordingly, it seeks projects that will produce models for the use of instructional instrumentation. Innovative methods for using laboratory activities to improve student understanding of basic principles are especially sought. Dissemination of project results via published laboratory manuals or experiments, software, scholarly papers, and presentation at scientific meetings is expected.

Because ILI focuses on improving the quality of undergraduate education through laboratory improvement, projects based primarily on financial need, increased enrollments, or replacement of equipment at the same level of capability are not appropriate. Projects should implement a plan that goes beyond the basic level of support that the institution itself must provide in order to maintain a viable program of instruction.

Although the awards just described are expected to encompass most of the activities supported through ILI, additional ideas and mechanisms will be conducted by NSF.

B. Eligibility Criteria and Limitations.

1. Eligible Institutions. Proposals to ILI will be accepted from all two-year colleges, four-year colleges, and universities in the U.S. and its territories. ILI is open also to proposals from consortia of institutions. Proposals from a consortium should be submitted only in those instances when several institutions propose to make joint use of a single major piece (or an assemblage of functionally related pieces) of equipment. Proposals from a formal consortium should be submitted by the consortium; proposals from an informal consortium should be submitted by one of the member schools.

2. Eligible Fields. The Foundation will consider proposals for support of projects in:

- Any field of science, mathematics and engineering ordinarily supported by the National Science Foundation, including the mathematical, physical, earth, and biological sciences, the social sciences, computer science, and engineering. A detailed list is shown on page xx. Projects involving fundamental scientific, mathematical, or engineering concepts within technical, professional, or preprofessional programs are eligible.
- Interdisciplinary fields composed of overlapping areas of two or more eligible sciences.
- Multiple disciplines—as distinct from interdisciplinary fields. Multidisciplinary proposals should be submitted only in instances where several departments propose to make joint use of a single major piece of equipment, or an assemblage of closely related pieces of equipment. Departments are advised not to combine individual proposals in order to submit them in the multidisciplinary category; each department should submit its own proposal unless equipment is to be shared.

Specifically excluded from ILI support are projects addressed to clinical fields associated with the sciences, such as medicine, nursing, clinical psychology and physical education, and those which primarily involve social work, home economics, or the arts and humanities.

3. Eligible Departments and Individuals. All science, mathematics, and engineering departments in an eligible institution may participate in the ILI competition. Each principal investigator may submit only one ILI proposal per closing date.

4. Eligible Activities. ILI proposals are encouraged for the creative improvement of laboratories or investigational activities associated with undergraduate instruction in science, mathematics, or engineering. Examples of activities eligible for equipment-based improvement include:

- Introductory laboratories;
- Courses that acquaint non-science majors with the principles and methods of science, mathematics, or engineering;
- Laboratories for majors;
- Undergraduate laboratory education for the preparation of pre-service or in-service teachers;
- Laboratories that concern fundamental scientific, mathematical, or engineering concepts within technical, professional, or pre-professional programs;
- Upgrading or replacing obsolete or unreliable equipment to expose students to concepts and/or techniques that were not possible previously;
- Accessing by students of computer networks that provide greater instructional capabilities than are available locally. (The NSFNET Program may support some non-instrumentation costs to access NSFNET. Refer to the discussion of NSFNET in section VI for details.);
- Undergraduate honors programs, student research, and independent study. (See also the program announcements for *Research Experiences for Undergraduates,* NSF 91–78, and *Research in Undergraduate Institutions,* NSF 89–60).

Projects involving women, minorities, and/or persons with disabilities as staff or as students are especially encouraged, particularly if they represent models for increasing the numbers of young people in these groups who choose careers in mathematics, science, and engineering.

5. Eligible Equipment. The types of equipment eligible for inclusion in an ILI proposal are listed under the section "Detailed Budget" on page xx. The *primary* use of each of the equipment items to be acquired must be to benefit *undergraduate* science, mathematics, and/or engineering instruction. Items may serve additional purposes when they are not being used for

undergraduate instruction, but these ancillary uses neither form nor augment the justification required for ILI funding.

6. Ineligible Items. In ILI projects, neither NSF funds for institutional matching funds may be used to purchase items listed below:

- Teaching aids (e.g., films, slides, projectors, "drill and practice" software), word-processing equipment, library reference materials, or expandables (e.g., glassware, chemicals);
- Instrumentation that is not mainly for undergraduate use;
- Vehicles, laboratory furnishings or general utility items such as office equipment, benches, tables, desks, chairs, storage cases, routine supplies and general consumables;
- Maintenance equipment and maintenance or service contracts—even when these are for equipment procured through the ILI program;
- Salaries, honoraria, consulting fees, travel, training courses, etc.;
- Institutional indirect costs or overhead;
- Costs of installation, building or laboratory modification or construction;
- A flat percentage inflation allowance;
- Replacement equipment that does not significantly improve instructional capability.

7. Eligible Project Size. ILI seeks proposals that request funds *only* for instructional scientific equipment. A maximum of $100,000 may be requested from NSF; grantee institutions must provide an equal or greater matching contribution. Project costs in excess of $200,000 must be funded by overmatching. (See the requirements for matching funds below.) The minimum grant request to ILI is $5,000 (for a total project cost of $10,000) in NSF funds.

ILI grants are made for a period of 30 months during which the requested equipment must be acquired and the development plan implemented.

C. Requirements for Matching Funds. Prospective ILI grantee institutions must agree to provide matching funds in an amount equal to or greater than the funds provided by the Foundation. The proposal budget must detail all expenditures for the project as a whole—that is, for the combined total of requested NSF funds and the institution's funds. It is not necessary that specific sources for matching funds be identified in the proposal. Matching funds must be from non-Federal sources. Funds from an ILI grant, or the institutional matching contribution to it, may not be counted as an institutional contribution to another Federally supported project. If a grantee receives a gift of equipment from non-Federal sources that is identical or equivalent to items listed in the project's approved budget, the cash value of such gifts may be counted as institutional matching funds.

An institution may obligate its matching funds or receive gifts to be counted toward matching at any time following the closing date under which the awarded proposal was submitted, but before the grant expiration date specified in the grant document. This normally provides a period of nearly three years during which the institution must fulfill the agreement to match NSF funds. To qualify as matching, these funds must be used specifically for the equipment (or its equivalent) listed in the project's approved budget.

II. Preparation and Submission of ILI Proposals

A. General Information. This announcement sets forth basic information needed to initiate planning for proposal submission. Proposers also may wish to consult the publication Grants for Research and Education in Science and Engineering (GRESE) (NSF 90–77), for additional guidance. This publication is available from the Forms and Publications Unit, National Science Foundation, 1800 G Street, NW., Washington, DC 20550; (202)357–7868.

Note. However, that ILI proposers must use the forms contained in this announcement (pp. xx–xx), not those in GRESE.

Except as modified by the guidelines set forth in this announcement, standard NSF guidelines on proposal preparation, submission, evaluation, NSF awards (general information and highlights), declinations and withdrawals contained in GRESE are applicable.

More comprehensive information is contained in the NSF Grant Policy Manual, (NSF 88–47) available electronically through STIS or for purchase at $21.00 from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. The Grant Policy Manual ordinarily is not needed in the process of preparing an ILI proposal.

In the event that the submitting organization has never been the recipient of an NSF award, it is recommended that appropriate administrative officials become familiar with the NSF policies and procedures contained in the NSF Grant Policy Manual that are applicable to most NSF awards. (If a proposal from such an institution is recommended for an award, the NSF Division of Grants and Contracts will request certain required organizational, management, and financial information—see Chapter III of the Manual.)

B. Proposal Preparation. A successful proposal must outline the way in which the planned project will improve the present program of undergraduate science, mathematics, or engineering instruction. Each proposal should demonstrate that:

- The faculty are capable of carrying out the project;
- Informed, realistic planning already has taken place;
- The plan is a logical step to take at this time toward developing the academic program in question;
- Provision of the requested equipment, will make possible full implementation of the improvements proposed; and
- The project is of potential interest to colleagues at other similar institutions and will lead to the development of new experiments, techniques or approaches in laboratory instruction.

The equipment requested must be appropriate for the project's objectives, Since the Foundation aims to support projects with maximum potential for continuing impact, each proposal should show how the equipment fits into the department's current holdings and must give a clear outline of the institution's plans for the extended maintenance of the equipment.

C. Proposal Format. A complete proposal to ILI consists of the following parts:

1. Cover Sheet (NSF Form 1207).
2. Project Summary Form (NSF Form 1295).
3. Detailed Budget (Equipment List).
4. Table of Contents.
5. Narrative (Limited to 12 double-spaced pages).
6. Appendices.

1. Cover Sheet (NSF Form 1207). The first page of the proposal will be the cover sheet (unnumbered) prepared in the form found on page xx. This cover sheet form should be duplicated and completed. It must bear the signatures of the proposed principal investigator and of an administrative official who is empowered to commit the proposing organization to the conduct and prudent management of the project if NSF agrees to support it.

It is important that the cover sheet be completed with the full information requested. Most of the items are self-explanatory. Note that:

- Social security numbers are used by the Foundation to monitor and facilitate the receipt and processing of numerous proposals, as well as to maintain award data.

The number is solicited pursuant to the general authority of the Foundation under the NSF Act of 1950, as amended. However, submission of social security numbers is voluntary and refusal to disclose a social security number will not affect any proposal's eligibility for an award.

• If funds for this project are being requested from another Federal agency or another NSF program, this must be indicated in the upper right hand section of the cover sheet. If they are not being so requested at the time of proposal submission, but are requested subsequently (prior to the Foundation's anticipated ILI announcement date), a letter so stating should be sent at that time to the ILI office. This letter should identify the proposal by its NSF number.

• Form 1225, Information about Principal Investigators, which provides data on gender, ethnic origin, and disability, is found on page xx. Only one copy of this form is to be submitted. It should be attached to the signature copy of the proposal cover sheet. While providing the requested data is voluntary, submitting this form is required by NSF. Omission of this form will cause considerable delay in processing the proposal. Any individual not wishing to submit the information should check the box provided for this purpose. Data will be treated as confidential, and will be maintained in secure data files in accordance with the Privacy Act of 1974. The information contained in this form will be available only to the NSF staff and will not be used in the external merit review process. All analyses conducted on the data will report aggregate statistical findings only and will not identify individuals.

2. Project Data and Summary Form (NSF Form 1295). The second page (unnumbered) of the proposal will be the project summary form (page xx), which should follow the cover sheet. The information provided on this form is used by the program staff for a variety of purposes, including the proper assignment of proposals to reviewers. Name of institution and project title must be written exactly as given on the cover sheet. Please enter the data requested in the boxes according to the instructions on the back of the form. The information is needed in the indicated format to provide direct input to the NSF data collection system.

The Summary of Proposed Work should be a concise description of the project (not of the proposal), limited to 22 single spaced lines of 12 point type. The summary should tell briefly the aim of the project, the major instruments which will be purchased, in what applications they will be used, and why the project is significant. Considerable care should be taken when writing the Summary. The Summary is the reviewers' first impression of the project's merit. If the project is supported, the Summary will be published by the Foundation to inform the general public about its programs. Accordingly, it should be written so that a scientifically literate layperson can understand the use of Federal funds in support of the project.

3. Detailed Budget. The third page (unnumbered) of the proposal will be the budget, prepared according to the format on page xx. This is a complete, detailed list of anticipated equipment acquisitions showing list and discounted unit prices and discounted totals. The budget must be limited to the following categories, with a subtotal shown for each:

(1) Scientific and Computing Equipment.
(2) Construction of Equipment.
(3) Equipment Assembly.
(4) Safety Equipment.
(5) Shipping Costs.
(6) Required Taxes.

Guidelines for the assignment of eligible items to the six budget categories follow. Each item or functional unit of equipment must have a minimum unit acquisition cost of $500 and a life expectancy of more than two years. (The specifics of a functional unit are discussed in note (ii), immediately following the six budget categories.) Note that these guidelines and restrictions apply to equipment purchased with institutional matching funds as well as to that bought with NSF funds.

(1) *Scientific and Computing Equipment* to be used in any phase of undergraduate science, mathematics, and/or engineering education may be requested. The equipment must be for use in specific curricular improvements discussed in the narrative. Software essential to the scientific and educational objectives of the project is permitted. Each software package must be itemized, justified, and the cost indicated. Software ordered in conjunction with new computing equipment is regarded as part of a functional unit and, accordingly, need not cost $500 in order to be eligible.

(2) *Construction of Equipment* including material and labor costs is allowed. Sufficient justification must accompany requests for equipment construction funds, such as a detailed explanation of the advantages of the proposed units over commercially available items. Requests for equipment fabrication must be supported by drawings, diagrams, parts lists and estimates for labor charges, as appropriate. Any use of project funds (NSF or institutional matching monies) for the modification or construction of laboratories or other buildings, or for the installation of equipment, is specifically prohibited.

(3) *Equipment Assembly* costs for on-site assembly of multi-component instruments, as distinct from equipment installation or building or laboratory modification, are allowable.

(4) *Specialized Safety Equipment* may be purchased under this program where necessary for the safe utilization of the equipment requested.

(5) *Shipping Costs* if not included in the purchase price should be separately itemized. Reasonable estimates should be used, as opposed to a percentage of equipment costs.

(6) *Required Taxes* may be included if the institution cannot be exempted from paying them.

Following the total amount of project costs (rounded to the nearest whole dollar), list the actual dollar amount requested from NSF. The amount requested from the National Science Foundation may not exceed 50% of the total budget, or $100,000, whichever is less, and may not be less than $5,000.

Please note: (i) It is important that reviewers be able to recognize the function of requested equipment. Therefore, the detailed budget should list all individual items by a descriptive name, and the *probable* brand, model, and price. (Such selections may be changed after an award.) Each category should be subdivided by function or by course so as to correspond as closely as possible to the accompanying narrative.

(ii) Budget items may be either single items meeting the minimum cost required ($500), or part(s) of a functional unit where the sum of the components meets the minimum cost requirement. A functional unit is an assemblage of instruments, modules, and components which together perform a specific task or which will normally be used together. Each component of a functional unit must be itemized and the cost indicated; the subtotal for the entire unit should be entered as the unit cost.

(iii) Many equipment manufacturers routinely offer educational or institutional discounts. In preparing the ILI budget, manufacturers or distributors should be contacted in order to obtain discounted prices. On the budget page, both the list price and the discounted price used to compute the total cost of the project must be shown.

If the proposer is able to negotiate on an individual basis a special discount

not routinely available to educational institutions, the usual discounted price should be listed in the project's budget. The amount by which the special discount exceeds the standard educational discount may be counted as matching funds.

4. Table of Contents. The proposal should be paginated continously starting with the first page of the narrative and continuing through the appendices. The beginning of each section or appendix should be given in the Table of Contents.

5. Narrative. The narrative presents most of the information that determines whether or not a grant will be awarded. Proposals should respond to the criteria that reviewers will use in judging the merit of the proposal. (See Proposal Evaluation, page xx, section IV.)

The narrative must focus on one coherent project that would improve undergraduate instruction. The narrative must show how the requested equipment is necessary for the project, and how the equipment will be used to implement it. A proposal seeking support for several unrelated projects or for a list of equipment to be used in unrelated ways is not appropriate.

The narrative section must not exceed 12 double-spaced (3 lines per inch) pages with a type size of 12 point (standard pica type) or greater. Pages must have 1 inch margins and be numbered at the bottom center. Reviewers will not be responsible for reading additional narrative pages or smaller type size. Information applicable in more than one place may be referred to by page and paragraph. Appended information should be restricted to those appendices required in section 5 below and to presentations of items required to supplement the narrative. The use of tabular form for reporting details is encouraged. Such information should be cross-referenced to the appropriate portions of the narrative.

The narrative should conform to the following outline:

(A) The Current Situation

This section should discuss the institutional context and the perceived need. It should open with a brief description of the institution, the students it serves, the department, and the student clientele for the project. It should also discuss the curriculum that contains the courses affected by the project. It cannot be assumed that the reviewers are acquainted with the institution and its programs. Catalog descriptions of specific courses affected should be included in appendix V.

Secondly, this section should describe the relevant resources of the departments in order to answer the question: "Is there an adequately supported program into which the present project will fit?"

Finally, this section should present the curricular need that the project would address. It should answer the question: "What is currently missing from the curriculum or is not being done effectively?" This section should not exceed three pages.

(B) The Development Plan

This section should answer the question: "How is the curse or courses and the curriculum to be improved by this project?" It should contain a detailed description of the specific developments intended. Specific new experiments, student projects, or course work that would be conducted with the requested equipment must be presented in terms of the principles or phenomena to be taught, how they will be taught, what experiments or material will be replaced, and how the overall plan is an improvement. This portion of the narrative should enable a group of colleagues to judge the suitability of the planned change for the intended student audience in the academic context. The scientific and pedagogical aspects of the proposed project will be weighed to assess the relative impact on science, mathematics, or engineering education promised by the project. The proposer should review the appropriate literature (e.g. disciplinary journals, meeting abstracts, proceedings, etc.) and provide references to relevant materials including results of other ILI (and its precursor, CSIP) awards to establish how the project and its contribution to undergraduate laboratory development has the potential to advance scientific education beyond the local setting.

(C) Equipment

(1) The Equipment Request

This section should answer the question: "Is each item of equipment requested actually needed to implement this development, is it the right piece of equipment for the job, and is the request appropriate for the department?" It should indicate briefly how each major equipment item requested will be used to effect what instructional development. It should also indicate why the particular equipment was chosen and what alternatives were considered and rejected, and why. Reviewers do not need to be told what functions a given piece of equipment can perform unless they are unusual. The crucial thing is to describe how the requested equipment is to be used in the instructional plan being proposed.

It is the purpose of this part of the proposal to establish the precise correlation between the subject-matter developments described in the previous sections and the items of equipment being requested. In the event of an award, any items regarded as ineligible, not germane, or inadequately justified will be deleted from the authorized list of purchases.

Logical groupings of items should be made to minimize repetition, with each entry cross-referenced to the budget (equipment list). Special arguments may be needed to explain requests for (1) apparatus of a quality or cost not usually encountered in undergraduate instruction, (2) equipment which is to be fabricated rather than purchased as a unit, or (3) purchases which might appear to be at variance with the academic setting in which the project would operate. Justification of these items must be related to development of improved undergraduate instruction. Arguments based on enhancement of graduate-level courses, improvement of faculty research capabilities, or other activities outside the scope of ILI are inappropriate.

(2) The Equipment on Hand for the Project

This section should answer the question: "Has there been a thorough survey of the current equipment inventory and does the proposal plan to make full use of it?" Major equipment on hand that will be available for the project, but that is not included in this request should be discussed. A list of major departmental equipment holdings available for undergraduate use should be included as Appendix IV (see section 6 on page xx).

(3) Equipment Maintenance

This section should answer the question: "Is a reasonable plan presented to ensure a maximum usable lifetime for the equipment?' Each proposal should briefly but explicitly outline the institution's plan for extended maintenance of the equipment.

(D) Faculty Expertise

This section should answer the question: "Do the personnel of the department have the expertise to complete the project successfully, or is there a commitment to hire necessary persons?" Special attention should be given to the named project director. Since accomplishment of the project on this person's knowledge of the discipline, the curriculum, and the equipment, he or she must teach in the academic unit receiving support and

must show experience appropriate for directing the project.

(E) Dissemination Plan

This section should describe plans for communicating the results of the project to the scientific or engineering community. Vehicles for dissemination might include scholarly publications or presentations, software, written reports or experiments, or laboratory manuals.

(F) Bibliography

References to the literature cited in the narrative.

6. Appendices. Material supplementary to the text of the proposal should be included in the appendices. The pages may be single spaced and should continue the numbering sequence established in the narrative section. The appendices should be printed on *white paper* to facilitate recycling of the review copies. The following eight appendices, if relevant to the project, are required. Their omission can delay processing or impede evaluation.

Since reviewers do not have time to read voluminous appendices, they should be brief and easy to read. *It is inappropriate to include* institutional catalogues, departmental curricula, publications, laboratory manuals, video tapes, computer diskettes, other nonprint items, or general material.

I. Curriculum vitae of the principal investigator, limited to four pages (include a list of significant publications), plus a one-page resumé for each faculty associate who will participate in the project.

II. Statement of current and pending support. All current and pending externally-funded support to the principal investigator and co-principal investigator (if any), including this proposed project, must be listed on the form found on page xx. This information is needed to assure that the project leaders will have time to carry out the project and that there is no duplication of support.

III. Statement of results of prior support. If either the prospective principal investigator or the co-principal investigator has received support from NSF's College Science Instrumentation Program in 1987, or the ILI Program during the years 1988–90, the proposal must include an appendix III entitled "Results from Prior NSF Support". This appendix must describe the earlier project(s) and outcomes in sufficient detail to permit a reviewer to reach an informed conclusion regarding the value of the results achieved. The following information must be included in this summary statement:

- The NSF award number, principal investigator's name, amount, and period of support;
- Title of the project;
- A summary of the results of the completed work. (To facilitate review, this summary should not exceed the equivalent of three double-spaced pages); and
- A list of publications and/or formal presentations acknowledging the NSF award (copies of such papers are not to be submitted with the proposal).

Appendices IV through VIII need provide no more information than should be readily available to a department. Please limit each to a maximum of two pages.

IV. A list of all major equipment available for undergraduate use held by the department, whether relevant to the proposed project or not, including model, date of purchase, and approximate cost where the information is available. Where this equipment list is too extensive to include in two pages, list only the most expensive and most relevant items. If minor items are relevant, they may be listed by categories (e.g., "12 pH meters of various models").

V. A catalog description of each course directly affected by this project, the frequency of offering, approximate enrollment, and whether or not required of majors. -

VI. (For projects intended for majors.) Summarize the number of majors graduated each year for the past five years. Provide, if possible, an estimate of the number of graduates who went on to graduate or professional schools, and the number who went directly into the workforce. Where the information is available, list graduate schools attended and organizations that hired substantial numbers of graduates. This appendix is not required for proposals submitted by two-year colleges.

VII. (For projects that include a student research component.) A list of recent talks and papers involving undergraduate students in the department. Identify student authors with an asterisk.

VIII. If experiments will utilize vertebrate animals, the approval from the Institutional Animal Care and Use Committee must be included.

Other appendices might include schematics of equipment to be constructed, descriptions of specialized equipment, or examples of experiments.

D. Proposal Submission. Materials required: Ten legible copies of the complete proposal (see p. xx); One copy only of NSF form 1225, attached to the signature copy of the proposal; Three sets of *extra* forms, each stapled into a unit and containing:

One copy of the Cover Sheet,
One copy of the Budget (Equipment List), and
One copy of the Project Summary Form.

These materials must be postmarked no later than November 15, 1991 in order to be reviewed. The address is: Instrumentation and Laboratory Improvement Program, NSF Announcement No. 91–84, room 223; National Science Foundation, 1800 G Street, NW. Washington, DC 20550.

The following requirements also must be met:

- All materials submitted to the Foundation must be contained in a single package. Secure packaging is mandatory. The Foundation cannot be responsible for the processing of proposals damaged in transit;
- Each copy of the proposal should be on standard size paper of regular weight. It should be stapled only in the upper left corner. All narrative and appendices pages must be numbered. The duplicating process should ensure legibility for at least 5 years;
- One copy must be signed both by the principal investigator and by an administrative official who has been designated as an Authorized Institutional Representative.

Do Not:

- Staple the sets of extra cover sheets, project summary forms, and equipment budgets to a proposal;
- Put covers on the proposals; or
- Send separate "information" copies or several packages containing parts of a single proposal.

E. Checklist. The following checklist of steps in completing an ILI proposal is provided for the convenience of the proposal writer.

1. Forms Completed

- Cover Sheet.

Project Director's signature on one copy and the Authorized Organizational Representative's signature on same copy.

- Form 1225 (Information about Principal and Co-Principal Investigators): Submit only one copy, attached to signature copy. Submission of the form, is required.
- Project Summary Form (Project Summary single-spaced).
- Budget (Equipment List) completed, using the required format.

Must contain no item with a unit cost of under $500 (unless it is part of a functional unit)
Equipment items categorized
Subtotals for categories indicated
Total cost for project indicated

Arithmetic checked for accuracy
NSF request indicated (it may not exceed 50% of total project cost, nor be more than $100,000, nor be less than $5,000)

The Principal Investigator must have submitted NSF form 98A, Final Report, for all completed NSF-funded projects.

2. Narrative Completed

- All points covered.

A. Current situation.
B. Development plan.
C. Equipment.
D. Personnel.
E. Dissemination plan.
F. Bibliography.

- Does not exceed 12 double-spaced, numbered pages.

3. Appendices

I. Curriculum vitae.
II. Statement of current and pending support.
III. Statement of prior support results (if applicable).
IV. List of departmental equipment.
V. Catalog description of courses affected and their enrollments.
VI. Information on past graduates (needed if majors are to be affected).
VII. Student research papers and talks (needed if the project features a student research component).
VIII. Animal Care and Use Approval (if needed).
IX. Other necessary information (if any).

4. Format Checked

- Sections in proper order.
- Correct number of complete copies of proposal and extra forms included.

5. Submission

- All materials forwarded in a single package.
- Materials must be postmarked no later than November 15, 1991.

III. Advice to Proposal Writers

The ILI staff often provides informal guidance to proposers. The following is the essence of the advice often given to inquirers.

What makes a good proposal? A good proposal stems from a good concept. Other things being equal, the better the project the more likely the proposal is to win an award. Proposers and their colleagues should first think through several iterations of the definition of the project. The best proposals are those to which the reviewers respond, "Of course. I wish I had thought of that!"

- Consider first what curricular improvement the project will make and what science the students will do, and then ask yourself what instrumental approach will be needed. The two clearly interact, but focusing first on the curriculum plan helps ensure that the instrumentation will take its proper place as the means for carrying out a significant curricular improvement.
- Read the Guidelines carefully and consider what they request. How will the project as you have conceived it fit the ILI program objectives? For example, will the requested equipment lead to a clear improvement in the way the students who use the equipment are to be taught? Proposals to strengthen a program by merely catching up with what everyone else is already doing, or proposals to add an instrument without making a significant improvement in what is to be taught, are less persuasive than those that provide a fresh idea and significant improvement.
- Be explicit about how the equipment will be used to make the curricular improvement. The narrative must contain specifics. Reviewers want details of experiments and applications, both to show that planning has been done and to help them understand why the particular application you propose is better than others they see. Although it may be difficult to provide a lot of detail in the brief narrative permitted by the ILI guidelines, careful writing will allow you to describe enough to give the reviewers a sense of exactly what you plan to do, and why the plan is a good one. The reviewers already know what a particular instrument will do; they want to know the proposer's explicit plan for applying that capability in a way that will improve the undergraduate's understanding of scientific, mathematical, engineering, or technical concepts.
- Describe why the project proposed is a good way to teach the subject to the students who are to be affected on your campus, and ideally to students in other institutions. One of the review criteria is the effect of a project on the infrastructure of science, mathematics, and/or engineering. Indicate why your ILI project may be of potential interest to faculty and students at other institutions.
- Mention what work has been done in preparation for the project, and specifically whether attempts have been made to try the proposed work on a small scale, or with less suitable equipment which may already be on hand or available through borrowing. Evidence of preliminary work shows the reviewers that careful planning has been done, and it may give them some added confidence that the project is likely to be successful.
- Consider promoting opportunities for students to participate in independent study. The Foundation encourages the use of equipment purchased through the ILI program in undergraduate investigations, such as research experience or development of new laboratory experiments.
- Explain why the instruments chosen are particularly suitable for the project (and why others—especially less expensive alternatives—would not be equally useful). It often is a good idea to explain briefly what range of alternatives were considered and rejected: why simpler instruments are not adequate, and perhaps why more sophisticated ones exceed the current needs. Reviewers usually are willing to accept a carefully-argued choice.
- If possible, have someone not connected with the proposal read and comment on a draft.

If the proposal is successful, make the best possible use of the equipment, and then let other scientists who may be interested in your results learn about them through presentations or publications.

If unsuccessful, consider the reviews and NSF staff comments objectively, consult the staff if necessary and, unless the feedback indicates otherwise, submit a revised or new proposal the next year. Many awards made in the program have been for proposals that were revised thoughtfully and resubmitted after having been declined initially.

IV. ILI Proposal Evaluation and Award Selection

NSF evaluates proposals on the basis of four general criteria:

1. Performance competence—This criterion relates to the capability of the investigator(s), the technical soundness of the proposed approach, the adequacy of the institutional resources available, and the proposer's recent science, mathematics, or engineering research and education performance.

2. Intrinsic merit—This criterion is used to assess the quality, currency, and significance of the scientific/technical content and related instructional activity of the project within the context of undergraduate science, mathematics, and/or engineering education.

3. Utility or relevance of the project—This criterion is used to assess the appropriateness and impact of the project at the proposing institution.

4. Effect on the infrastructure of science, mathematics, and/or engineering—This criterion relates to the potential of the proposed project to contribute to better understanding or to improvement of the quality, distribution, or effectiveness of the Nation's scientific, mathematics, or engineering research, education, and human resources base.

See pages 8 & 9 of Grants for Research and Education in Science and Engineering (GRESE), NSF 90–77, for additional discussion of these criteria.

ILI grants are awarded on a competitive basis. In selecting proposals to be supported, the Foundation is assisted by reviewers who are mathematicians, scientists, or engineers, drawn primarily from the academic community, and also from research organizations and professional associations.

V. Announcement and Administration of ILI Awards

• The evaluation and processing of proposals will require approximately six months. Decisions will be announced individually through written notices to the institution and to the principal investigator. Before such notice is dispatched, the Foundation can give no information concerning the probability that any particular proposal will be supported or declined. Proposers are strongly urged to refrain from making premature inquiries. Decisions will be announced as soon as they are made, not all together. Thus it is normal for some proposers to receive a decision earlier than others.

• Grants are administered in accordance with the terms and conditions described in this announcement and NSF GC–1, *Grant General Conditions*, copies of which may be requested from the NSF Forms and Publications Unit. More comprehensive information is contained in the *NSF Grant Policy Manual* (NSF 88–47) available through the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

The Foundation strongly encourages publication of research results and instructional experiments developed. The awardee, however, is wholly responsible for the conduct of the project and for preparation of the results for publication. The Foundation does not assume responsibility for project results or their interpretation.

Within 90 days after the expiration of a grant, the principal investigator is required to submit a Final Project Report (NSF Form 98A). Final expenditure information is supplied by the grantees through the Federal Cash Transactions Report (SF 272), normally submitted by the grantee's financial officer. Annual reports of progress are not required of ILI grantees.

If a Principal Investigator (PI) leaves a project before its completion, the grantee institution is expected to explain the circumstances in a letter to the ILI Program Officer named in the grant letter, and to nominate a suitable replacement. This letter should include the nominee's curriculum vitae, and must be signed both by the nominee and by an official authorized to act for the institution in such matters. The appointment of a new PI is not effective until confirmed by the NSF.

VI. Other Undergraduate Programs

The current *NSF Guide to Programs* briefly describes all Foundation programs, most of which are open to all institutions. It is available at most institutions or may be obtained at no cost by contacting the Forms and Publications Unit, room 232, NSF, Washington, DC 20550 (202–357–7861). Some undergraduate programs are described below.

• The *Undergraduate Faculty Enhancement Program* (UFE) offers grants for undergraduate faculty seminars and conferences to provide opportunities for groups of faculty to learn about new techniques and new developments in their fields. Awards are made to conduct seminars, short courses, workshops, or similar activities for groups of faculty members from outside the grantee institution. For further information, contact the Division of Undergraduate Science, Engineering, and Mathematics Education (USEME), room 639, NSF, Washington, DC 20550 (202–357–7051) (brochure NSF 90–112).

• The *Undergraduate Course and Curriculum Development* (UCC) program applies to all NSF disciplines and has broader curricular scope than ILI. In 1991–92 it emphasizes introductory-level courses, curricula, and laboratories, and encompasses all activities affecting the learning environment, content, and experience of instruction in the Freshman and Sophomore year. Additional information may be obtained from the Division of Undergraduate Science, Engineering, and Mathematics Education (USEME), room 639, NSF, Washington, DC 20550 (202–357–7051) (brochure NSF 91–50).

• The *Undergraduate Curriculum Development in Mathematics: Calculus* program aims to improve baccalaureate instruction in calculus through projects in two categories: conferences, workshops, dissemination activities, and pilot projects; and curriculum development projects. Inquiries may be directed to USEME, room 639, NSF, Washington, DC 20550 (202) 357–7051 (brochure NSF 90–116).

• The *Engineering Education Coalitions* program aims to support a small number of groups of engineering schools in attacking national problems of attracting and retaining students, revising instruction, and promoting interchange. Information may be obtained from the Directorate for Engineering, NSF, Washington, DC 20550 (202) 786–9631 (brochure NSF 90–122).

• The *CISE Educational Infrastructure Program* (EI) aims to support a small number of colleges and universities in the design, development, and testing of innovative approaches for increasing the effectiveness of the undergraduate learning experience in the fields of computer and information science, computer engineering and computational science. Awards are made to projects which have the potential for nationwide impact in the areas of curriculum development, laboratory infrastructure, faculty enhancement, and instructional delivery systems. For further information, contact the Office of Cross-Disciplinary Activities (CDA), room 436, NSF, Washington, DC 20550 (202–357–7349) (brochure NSF 90–155).

• *Career Access Opportunities in Science and Technology* is a program that supplements efforts primarily at the pre-college level to address the underrepresentation of women, minorities and the disabled in the Nation's ranks of science and engineering professionals. There are two activities:

—*Comprehensive Regional Centers for Minorities* supports the establishment of centers to increase the minority presence in science and engineering. The centers consist of partnerships between various public and private sector participants in education in regions with significant minority populations.

—*Model Projects for Women, Minorities and the Disabled* encourages institutions to create special highly innovative outreach programs at the undergraduate level for these target audiences.

For more information, contact the Division of Human Resource Development (DHRD), NSF, Washington, DC 20550 (202–357–7461) (brochure NSF 90–126).

• *Alliances for Minority Participation* (AMP) seeks multidisciplinary or disciplinary approaches at the undergraduate level to increase the quantity and quality of underrepresented minority students attaining degrees and careers in science and engineering. Coalition approaches are required. Inquiries may be directed to Division of Human Resource Development (DHRD), room 1225, NSF, Washington, DC 20550 (202) 357–7461 (brochure NSF 90–44).

• *Research Experience for Undergraduates* (REU) provides grants at doctoral or nondoctoral school sites for eight to ten undergraduates students to pursue hands-on research with faculty mentors during the summer; a significant fraction of the participants must be from an institution other than the host institution. NSF research grantees may apply for a supplement to support participation by one or two undergraduates in ongoing research of the group. Inquiries may be directed to the relevant Research Division (brochure NSF 91–78).

• NSFNET is a high-speed data network that provides access to remote systems, including supercomputers, and also remote access to software and databases. Proposals for instructional use may be submitted to the ILI program; ILI would provide matching funds for the necessary equipment, and the NSFNET program would support other costs of access contingent on the compliance with its special program requirements and on the availability of funds. Proposers should contact in advance the Division of Networking and Communications Research and Infrastructure, room 416, NSF, Washington, DC 20550 (202–357–9717).

• Through *Research Opportunity Awards* (ROA), faculty members may work with investigators who already hold or are applying for an NSF research grant. ROA aims to provide experience that will help the faculty member become more competitive in mounting independent research, and that will improve his or her teaching. Full-time faculty members interested in ROA collaborations must make their own arrangements with a host investigator and institution. Application to NSF is made by the host institution. Contact the relevant Research Division.

• The *Research in Undergraduate Institutions* (RUI) activity is part of the Foundation's effort to broaden the base for science and engineering research and to enhance the scientific and technical training of students. The objectives of the RUI activity are to strengthen the research environments in academic departments that are oriented primarily to undergraduate education in science and engineering, and to promote the coupling of research and education at predominantly undergraduate institutions. RUI provides support for research and research equipment for investigators in non-doctoral departments in predominantly undergraduate institutions. RUI proposals are evaluated and funded on a competitive basis by NSF's research programs. For further information contact the Senior Staff Associate for Cross-Directorate Activities, EHR, room 516, NSF, Washington, DC 20550 (202) 357–7926.

Copies of most program announcements are available electronically using the Science and Technology Information System (STIS). The full text can be searched online, and copied from the system. Instructions for use of the system are in NSF 91–10 "STIS Flyer." The printed copy is available from the Forms and Publications Unit. An electronic copy may be requested by sending a message to "stis@nsf" (Bitnet) or "stis@nsf.gove" (Internet).

Contact Person: Duncan McBride, telephone (202) 357-7051, Program Director.

Dated: August 27, 1991.

Herman G. Fleming,

Reports Clearance Officer.

[FR Doc. 91–21025 Filed 8–30–91; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–483]

Union Electric Co., Callaway Plant, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of section III.A.5.(b) of appendix J to 10 CFR part 50 issued to the Union Electric Company, (the licensee), for the Callaway Plant, Unit No. 1, located in Callaway County, Missouri.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant a partial exemption from a requirement in section III.A.5.(b) of appendix J to 10 CFR part 50, which requires for a peak pressure Type A test that the measured leakage rate, L_{am}, be less than 75 percent of the maximum allowable leakage rate, L_a, measured at the calculated peak containment internal pressure, P_a. These terms are defined in section II of appendix J.

The proposed action is in accordance with the licensee's request for exemption dated March 15, 1991.

The Need for the Proposed Action

The proposed exemption is needed to avoid unnecessary Type A testing of the reactor primary containment leakage rate. Granting of the exemption would avoid an increased testing frequency as required by section III.6.b in the event the measured leakage rate was equal to or greater than 0.75 L_a.

Environmental Impacts of the Proposed Action

The Commission's staff has determined that granting the proposed exemption would not significantly increase the probability or amount of expected containment leakage and that containment integrity would thus be maintained. Consequently, the probability of accidents would not be increased, nor would the post-accident radiological releases be greater than previously determined. Neither would the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission's staff concludes that there are no significant radiological environmental impacts associated with the proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption involves a change to surveillance and testing requirements. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental impacts associated with the proposed action, any alternatives would have either no or greater environmental impact.

The principal alternative would be to deny the requested exemption. This would not reduce the environmental impacts attributed to this facility but could result in an increased frequency for Type A tests. This would result in the expenditure of resources without any compensating benefit.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Callaway Plant, Unit 1, dated January 1982.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see Item 3 in the request for amendment dated March 15, 1991, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Callaway Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Dated at Rockville, Maryland, this 23d day of August 1991.

For the Nuclear Regulatory Commission.

Clyde Y. Shiraki,

Acting Director, Project Directorate III-3, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 91-21032 Filed 8-30-91; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Boiling Water Reactors; Meeting

The Subcommittee on Advanced Boiling Water Reactors will hold a meeting on September 18, 1991, Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, September 18, 1991—8:30 a.m. Until the Conclusion of Business

The Subcommittee will review draft safety evaluation reports related to Chapters 1, 2, 3, 4, 5, 6, and 17 of the GE/Standard Safety Analysis Report.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will hear presentations by and hold discussions with representatives of General Electric, NRC staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Medhat El-Zeftawy (telephone 301/492-9901) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 26, 1991.

M. Dean Houston,

Acting Chief, Nuclear Reactors Branch.

[FR Doc. 91-21018 Filed 8-30-91; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; Establishment of a New System of Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Establishment of a new system of records.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to establish a new system of records, entitled NRC-32, Licensee and Applicant Taxpayer Identification Number Records, in order to obtain tax identification numbers from NRC licensees and applicants. This system will be used by the Office of the Controller, License Fee and Debt Collection Branch, in collecting delinquent debts. In accordance with 10 CFR part 15, NRC needs to obtain taxpayer identification numbers from NRC licensees and applicants in order to refer delinquent debts to debt collection agencies. The taxpayer identification numbers will also allow the NRC to report delinquent debtors to consumer reporting agencies (§ 15.26). These efforts are necessary in order to bring NRC's collection procedures into compliance with the Federal Claims Collections Standards.

DATES: The system of records will take effect without further notice on October 3, 1991, unless comments received on or before that date cause a contrary decision. If, based on NRC's review of comments received, changes are made, NRC will publish a new final notice.

ADDRESSES: Send comments to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may be hand-delivered to the Gelman Building, 2120 L Street, NW. (Lower Level), Washington, DC, between 7:45 am and 4:15 pm.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Director, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: The NRC's authority is drawn from the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended. 10 CFR parts 170 and 171 authorize the NRC to assess fees to NRC licensees and applicants. 10 CFR part 15 prescribes NRC's debt collection procedures.

The records in this system of records include taxpayer identification numbers from licensees and applicants. Information regarding any delinquent debt of a licensee or applicant may be disseminated to consumer reporting agencies and/or to debt collection agencies.

A report of this system of records, required by 5 U.S.C. 552a(r), as implemented by OMB Circular A-130, has been sent to the Chairman, Committee on Government Operations, U.S. House of Representatives; the Chairman, Committee on Governmental Affairs, U.S. Senate; and the Office of Management and Budget.

1. The following new system of records, NRC-32, Licensee and Applicant Taxpayer Identification Number Records, is being proposed for adoption by the NRC.

NRC-32

System name:

Licensee and Applicant Taxpayer Identification Number Records—NRC.

System location:

License Fee and Debt Collection Branch, Office of the Controller, NRC, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland.

Categories of individuals covered by the system:

NRC licensees and individuals or companies who have filed applications for an NRC license.

Categories of records in the system:

The system consists of License Fee and Debt Collection Branch computer systems maintaining a taxpayer ID number and application or license number. These systems include billing information related to a particular license or application. These systems are computerized databases with licensee or applicant name, billing address, license or application number, fee categories, regional affiliation, and billing history.

Authority for maintenance of the system:

42 U.S.C. 2201; 42 U.S.C. 5841; 10 CFR parts 15, 170, and 171.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be used for any of the routine uses specified in the Prefatory Statement.

Disclosures to Consumer Reporting Agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

Storage:

Information contained in this system is stored in hard copy, on computer disks, and on hard drives.

Retrievability:

Information is retrieved by license number, application number, licensee or applicant name, or invoice number.

Safeguards:

The databases are maintained in an area for which access is controlled by keycard and limited to those with a need for access to the work area, and in a building to which access is controlled by a security guard force. These databases are under visual control during duty hours. After duty hours, access to the building is controlled by a security guard force and access to each floor is controlled by keycard.

Retention and disposal:

These databases are retained indefinitely for historical purposes.

System manager(s) and address:

Director, Division of Accounting and Finance, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Notification procedure:

Director, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Record access procedures:

Same as "Notification Procedure."

Contesting record procedures:

Same as "Notification Procedure."

Record source categories:

NRC licensees and applicants for NRC licenses.

Systems exempted from certain provisions of the act:

None.

Dated at Rockville, Maryland, this 19th of August, 1991.

For the Nuclear Regulatory Commission.

James H. Sniezek,

Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations, and Research.

[FR Doc. 91-21029 Filed 8-30-91; 8:45 am]

BILLING CODE 7590-01-M

Entergy Operations, Inc., et al.; Grand Gulf Nuclear Station, Unit No. 2; Order Revoking Construction Permit

[Docket No. 50-417]

I

On September 4, 1974, the U.S. Nuclear Regulatory Commission (the Commission) issued Construction Permit CPPR-119 for Grand Gulf Nuclear Station, Unit 2 (Grand Gulf 2), a boiling water reactor located in Claiborne County, Mississippi. Entergy Operations, Inc. (Entergy Operations); System Energy Resources, Inc.; the Mississippi Power & Light Company; and the South Mississippi Electric Power Association are licensees under the permit. The latest construction completion date set forth in the permit was October 1, 1984. By letter of April 23, 1987, the licensee submitted an application requesting an extension of the latest construction completion date to January 1, 1997.

II

By letter of December 27, 1990, Entergy Operations, on behalf of itself and the other licensees of Grand Gulf 2, requested that the construction permit be terminated. In the letter, Entergy Operations stated that construction activity at Grand Gulf 2 was suspended in 1985. Entergy Operations also stated that the Grand Gulf 2 site has been stabilized in accordance with all requirements in the construction permit and the Updated Final Safety Analysis Report.

To stabilize the Grand Gulf 2 site, the licensees performed a number of actions including backfilling the excavation site and reseeding and transferring control of the formerly used construction sites to the operations personnel for Grand Gulf 1. The operations personnel for Grand Gulf 1 assumed responsibility for maintaining the entire Grand Gulf Nuclear Station site in late 1990. The licensees for Grand Gulf 1 are the same as the licensees for Grand Gulf 2. Final reclamation and restoration of the entire Grand Gulf Nuclear Station site will be addressed by the licensees upon the decommissioning of Grand Gulf 1.

In accordance with § 51.32 of title 10 of the Code of Federal Regulations, the Commission has determined that the revocation of this construction permit will have no significant impact on the environment. The NRC published an Environmental Assessment and Finding of No Significant Impact in the **Federal Register** on August 14, 1991 (56 FR 40347).

The licensees' letter of December 27, 1990, the NRC staff's evaluation of site stabilization of August 21, 1991, and the NRC staff's environmental assessment of August 21, 1991, are available for inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington 20555 and at the local public document room located at Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

It is Hereby Ordered That Construction Permit CPPR-119 is revoked.

This Order is effective upon issuance.

Dated at Rockville, Maryland, August 21, 1991.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 91-21031 Filed 8-30-91; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Request for Expedited Review of Instructions for OPM 2809–EZ1 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, United States Code, chapter 35), this notice announces the expedited review by OMB for a clearance of instructions for the information collection, OPM 2809–EZ1—Open Season Health Benefits Enrollment Change Form or Request for Additional Information. The form appeared for comment in the **Federal Register** on August 20, 1991, and now we are submitting the instructions. These instructions are presently cleared under 3206–0141; however, they are now being cleared separately and will be under the same clearance as the OPM 2809–EZ1. OPM 2809–EZ1 is completed by annuitants or survivor annuitants who wish to change enrollment in the FEHB program during the annual open season.

Approximately 127,913 forms are completed annually, each requiring approximately 30 minutes to complete for a total public burden of 63,957 hours.

A copy of the proposed instructions follow this notice.

DATES: Comments on this proposal should be received by September 9, 1991. OMB will act upon this clearance within 2 calendar days after the close of the comment period.

ADDRESSES: Send or deliver comments to—

C. Ronald Trueworthy, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., CHP 500, Washington, DC 20415

and

Joseph Lackey, OMP Desk Officer, Human Resources and Housing Branch, New Executive Office Building NW., room 3002, Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: Mary Beth Smith-Toomey, (202) 606–0623.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

BILLING CODE 6325-01-M

FEHB
Federal Employees Health Benefits Program

Open Season Information and Instructions for Annuitants

November 12 - December 9, 1991

RI 74-
Rev. October 1991

Office of Personnel Management
Retirement and Insurance Group
Washington, DC 20415

ATTENTION ALL ENROLLEES

If you are hospitalized and enrolled in an FEHB fee-for-service plan, benefits will be reduced by $500 unless you obtain precertification of your hospital admission.

If you have Medicare Part B, neither you nor your FEHB Plan is liable for any physician's charge beyond Medicare's prevailing charge or limiting charge for a particular service.

If you are retired, age 65 or older, and do not have Medicare Part A, all fee-for-service plans limit payment for inpatient hospital charges to the amount established by Medicare for Medicare enrollees; neither you nor your FEHB Plan is liable for any charge beyond the limit if the hospital is a participating Medicare hospital.

ATTENTION ALLIANCE ENROLLEES

Beginning January 1, 1992, the Alliance health plan will be offering only a single enrollment option. You should carefully review the 1992 Alliance brochure concerning premium and benefit changes. If you do not elect to enroll in another FEHB plan, your enrollment in the Alliance plan will continue, but in the new single option that will be available in 1992.

The annual Federal Employees Health Benefits (FEHB) Open Season will be from November 12 through December 9 this year. During the Open Season you may change from one plan to another, from one option to another in the same plan, or from Self Only to Self and Family. *Coverage under your current enrollment will continue automatically unless you request a change or unless your current plan will no longer be participating in the FEHB Program after December 31, 1991. Do not complete and return the enclosed form to notify us that you wish to continue your current health benefits enrollment coverage.*

This annuitant package contains both informational material and an enrollment change form tailored especially for you. The Plan Comparison Chart on the following pages shows the benefits and premiums effective in January 1992 for all fee-for-service plans in the FEHB Program and for the prepaid plans (if any) in your geographic area. Your current plan will send you its 1992 brochure by separate mail. DON'T RELY ON THE CHART ALONE. Detailed information about plan benefits and the contractual description of coverage appear in the plan brochures. Before you make a final decision about changing your enrollment, you should review carefully the official brochure for the plan or plans in which you are interested.

Important

You should carefully review the 1992 premiums shown in the Plan Comparison Chart for your plan and option of coverage. There are only limited opportunities which could permit you to change your enrollment outside the Open Season. If you do not change your enrollment during Open Season, you may not be eligible to change later, even if you do not wish to pay an increased premium cost for your enrollment.

New For 1992

If you do not have Medicare Part A and are a retiree age 65 or older, effective January 1, 1992, the FEHB law requires fee-for-service FEHB plans to limit reimbursement of inpatient hospital charges covered by both Medicare Part A and the plan (even though you are not covered by Medicare). This hospital cost containment measure limits the plan's payment to any hospital to the charges established by Medicare. The law requires hospitals that have participation agreements with the Department of Health and Human Services (HHS) to accept Medicare benefits as payment in full for covered items and services; they must also accept equivalent benefit payments and enrollee copayments under the FEHB Program as full payment. You should notify OPM (see address in your FEHB brochure) if any hospital that has a participation agreement with HHS charges you over the limits specified in the law.

Plans Not Participating in the FEHBP in 1992

A number of plans have decided to withdraw from the FEHBP after December 31, 1991. If you are enrolled in one of these plans, you should elect new coverage during the Open Season. If you no longer wish to have FEHBP coverage, you MUST elect to cancel your enrollment. If you do not elect new coverage or cancel your FEHBP participation, you will be deemed to have elected to enroll in the Blue Cross and Blue Shield Service Benefit Plan, which is the only plan available to all enrollees without a membership fee. The effective date of your deemed election will be January 1, 1992. This will assure your continued coverage and eligibility to participate in the FEHBP.

Hospital Admission Requirement

The preadmission certification provision in fee-for-service plans makes you responsible for ensuring that this requirement is met. You must check, or confirm that your doctor has checked, with your plan **before** you are admitted to the hospital. If that isn't done, your plan will reduce benefits by $500. Be a responsible consumer. Be aware of your plan's cost containment provisions. Avoid penalties and help keep premiums under control by following the procedures specified in your plan's brochure.

Medicare Limits and You

If you have Medicare Part B, you should be aware that the Medicare law affects the amount FEHB plans will pay after Medicare has paid. Nonparticipating Medicare physicians are prohibited from charging more than a certain percentage in excess of Medicare's prevailing charge. This limit on nonparticipating Medicare physicians' charges for services covered by Medicare is called the "limiting charge." Because of this Medicare law, neither you nor your FEHB plan is liable for any amount in excess of Medicare's limiting charge for charges of a nonparticipating Medicare physician. (If the physician accepts Medicare assignment for the claim, the physician will not charge -- and neither you nor your plan will be liable for -- more than Medicare's prevailing charge.) After Medicare pays its benefits, your plan will pay up to an amount that, when added to Medicare's payment, will usually constitute payment in full under Medicare's rules. This limitation on plan payments is not a reduction of your benefits because physicians are prohibited by law from attempting to collect from you more than the amount specified by HHS as payment in full for services covered by Medicare. If you have any questions or problems regarding the Medicare limiting charge, contact your Medicare carrier.

Information About Direct Payment of Health Insurance Premiums

If the amount of your monthly annuity is less than the monthly premium for the plan or option you want, you may be eligible to pay your share of the premium directly to OPM. You may request information on electing this payment option by completing Section 2 of the enclosed EZ-1.

Effective Dates of Open Season Changes and Cancellations
If you change your enrollment coverage, your new coverage will be effective January 1, 1992. Cancellations made during the Open Season are effective December 31, 1991. Your February 1, 1992, annuity payment will be the first monthly payment to reflect the new premium deductions for 1992.

Late Authorization
If you need and request additional FEHB information during the Open Season, you will be granted at least 31 days in which to review the information and return your enrollment change request to us. A special authorization message will appear on the form we send you, granting this individual extension.

Identification Cards
These cards are issued by the health plans, not OPM. Thus, your inquiries regarding identification cards should be directed to your plan. It may take up to 3 months after OPM has processed your Open Season change for you to receive your new identification card. Should you or your family require medical attention after the January 1 effective date, but before you receive your new identification card, you may use the confirmation letter we will send you as proof of your new coverage.

Recent Retirees
If you received an Open Season package, OPM has received your application and records from your last employing agency. These records indicated that you were eligible to continue your health benefits enrollment into retirement. Your enrollment change request will be processed along with your retirement application, and you will receive a copy of an OPM Form 2809 showing your election of new enrollment coverage effective January 1, 1992, when your claim has been completed.

Husband and Wife Accounts
If you and your spouse are both receiving Civil Service Retirement benefits, and you are enrolled in FAMILY coverage, you may decide that it would be more advantageous to have two Self Only coverages (one for you and one for your spouse) rather than Family coverage. If you want to make such a change, **DO NOT USE THE OPEN SEASON FORM.** OPM regulations allow you to change from Family coverage at any time, including the Open Season period. However, your spouse will not receive an Open Season form to enroll in the FEHBP. So that your change from Family to Self Only coverage and your spouse's request to enroll in Self Only coverage will be processed together, thereby avoiding any potential lapse in health coverage, we ask that you and your spouse make your health benefits change requests in writing to the following address:

Office of Personnel Management
Open Season Task Force
P.O. Box 809
Washington, DC 20044

FEHB Plan Comparison Chart - For Benefits Beginning In January 1992

Fee-for-Service Plans

Fee-for-Service Plans reimburse you or the health care provider in whole or in part for covered services. If you enroll in one of these plans, you may choose your own physician, hospital and other health care providers.

The Blue Cross and Blue Shield Service Benefit Plan is open to all annuitants. Some employee organization plans are open to all annuitants through full or associate memberships in the organizations that sponsor the plans; the other employee organization plans are restricted to annuitants who are full members of the sponsoring organization. (See plan brochures for information about membership and membership fees, which are in addition to your monthly premiums. The fees are not part of the FEHB Program.)

Plans typically use one or both of the following benefit maximums as the amount of your medical or dental care expenses they will cover for a particular service:

Reasonable & Customary (R & C) Charge is the amount a plan considers to be covered based on a profile of charges determined by the plan to be the amount a provider normally charges for a service and that is usually charged by most other providers for the same service in the same geographic area. Health insurance industry-accepted methods are used by the plans to establish and periodically update R & C charges. The actual amount a provider charges for a particular service may be more than the R & C charge set by the plan for that service. You must pay any amount charged above the R & C charge, unless the provider accepts a lesser amount because of plan-provider agreements, *e.g.*, Preferred Provider Arrangements, or Medicare-imposed limitations.

Scheduled Allowance (SA) is the fixed dollar amount that has been assigned to a covered service. You must pay any amount the provider charges above it. (Because a plan's Scheduled Allowance for a particular service applies nationwide, and the amount a provider charges for that service may vary geographically, the Scheduled Allowance is likely to defray more of the provider's charge in some areas than in others.)

In your written request you and your spouse must include your retirement claim numbers, Social Security Numbers, the plan and option being elected, and signatures. WE WILL NOT EFFECT ANY CHANGE IN YOUR HEALTH BENEFITS COVERAGE UNTIL WE HAVE DETERMINED THAT YOUR SPOUSE MEETS THE ELIGIBILITY REQUIREMENTS TO ENROLL IN HIS OR HER OWN RIGHT.

Limited Fee-For-Service Plans
If you are eligible to enroll in or are enrolled in BACE, FOREIGN SERVICE, NAPUS, PANAMA CANAL AREA, RURAL CARRIERS, SAMBA OR SECRET SERVICE, you should review a plan brochure for information concerning benefits and premium rates for 1992. These are limited plans open only to specific individuals and for this reason have not been included in the chart below.

Additional Help
If you need assistance in completing your form, you may write to the following address:

Office of Personnel Management
Open Season Task Force
P.O. Box 809
Washington, DC 20044

or you may call the Open Season Hotline at OPM's Retirement Information Office in Washington, DC (This is a Toll Call if you are calling long distance.) The Open Season Hotline numbers are (202) 606-0110 or 606-0111. For the Hearing Impaired: If you have access to a TDD machine, OPM's Retirement Information Office has a TDD number you may use to call for assistance. (This is also a Toll Call if you are calling long distance.) The TDD number is (202) 606-0551.

Privacy Act and Public Burden Statement
The information you provide on this form is needed for your enrollment in the Federal Employees Health Benefits Program under Chapter 89, title 5, U.S. Code. It will be shared with the health insurance carrier you select, so that they may (1) identify your enrollment in their plan, (2) verify your and/or your family's eligibility for payment of a claim for health benefits services or supplies, and (3) coordinate payment of claims with other carriers. This information may be disclosed to other Federal agencies or Congressional offices that may have a need to know it in connection with your application for a job, license, grant or other benefit. It may also be shared and is subject to verification, via paper, electronic media, or through the use of computer matching programs, with national, state, local or other charitable or social security administrative agencies to determine and issue benefits under their programs. In addition, if the information indicates a violation of civil or criminal law, it may be shared with an appropriate Federal, state, or local law enforcement agency. The law does not require you to supply all the information requested on the form, but doing so will assist in the prompt processing of your enrollment.

We think this form takes an average of 30 minutes to complete, including the time for reviewing instructions, getting the needed data, and reviewing the completed form. Send comments regarding our estimate or any other aspect of this form, including suggestions for reducing completion time, to the Office of Management and Budget, Paperwork Reduction Project, (3206-), Washington, DC 20503.

- All plans require you to share costs for covered charges. In addition to the calendar year and inpatient hospital deductibles (see below), other cost-sharing amounts you pay may include coinsurance and/or copayments.
- The calendar year deductible shown is the per person amount. Under a Self and Family enrollment, generally no more than two or three family members, depending on the plan, must meet this deductible. For a few plans, which have established a family deductible, the per person amount shown applies to just one person; the difference between it and the family deductible can be met by any or all of those covered. The calendar year deductible may not apply to every covered charge.
- The inpatient hospital deductible shown is a per person amount. It typically is a per admission or per confinement deductible. However, for certain plans, it is a deductible that applies just to the first admission in a calendar year or a separate calendar year deductible that applies only to inpatient hospital expenses.
- The medical-surgical catastrophic limit applies to your coinsurance payments for inpatient and outpatient care and, depending on the plan, may also include the calendar year deductibles and inpatient deductibles you pay.
- The amounts of covered charges that plans pay for medical-surgical primary care shown are maximum amounts. Payments may be affected, however, by certain limitations and conditions, that are described in the plan brochures. For example, not all charges that are subject to R & C maximums may be paid on the basis of the provider's total charge (see preceding page).
- Most plans require that accidental injury care must be received within a specified number of hours of the injury for the amounts shown to apply.
- While not shown on the Chart, all or virtually all, of the fee-for-service plans provide:
  - Prescription drug benefits; some may include a mail order program and require you to share costs.
  - Mental conditions outpatient care benefits, that usually have dollar and/or visit limits, and you share costs to these limits.
  - Inpatient and outpatient care benefits for alcoholism and drug abuse, that usually have dollar, day and/or visit limits, and you share costs to these limits.
  - Inpatient and outpatient hospice care benefits, that have a dollar maximum which varies by plan.

  See plan brochures for details.

FEHB Plan Comparison Chart - For Benefits Beginning in January 1992 - Prepaid Plans (*Commonly referred to as CMP/HMOs*) - New York

Prepaid Plans are Comprehensive Medical Plans/Health Maintenance Organizations (CMP/HMOs) that provide or arrange for health care by designated plan physicians, hospitals and other providers in particular locations. CMP/HMOs pay all providers through salaries or other payment arrangements. You pay required cost-sharing amounts, *e.g.*, copayments for doctors' office visits.

Each CMP/HMO is open to all annuitants who live within the plan's enrollment area. Since you cannot enroll in a CMP/HMO if you live outside its enrollment area, refer to the plan's brochure if you have any questions about the enrollment area.

Every CMP/HMO provides physicals and immunizations as well as prescription drug benefits.

Every CMP/HMO provides benefits for inpatient and outpatient services for the treatment of mental conditions/substance abuse. However, benefits are limited to short-term care, generally 30 to 45 days of inpatient care and 20 to 35 outpatient visits per calendar year, depending on the plan. You typically share costs to benefit limits. Although the Comparison Chart doesn't include CMP/HMO mental conditions/substance abuse benefits information, you can find the information in the plan brochures.

Dental care coverage may include routine diagnostic and preventive services and one or more of the following treatment services: restorative, crown and bridge, endodontic, oral surgery, periodontal, prosthetic, and orthodontic. However, some plans limit coverage to preventive services for children. See plan brochures for specific coverages.

FEHB
Federal Employees Health Benefits Program

Open Season Information and Instructions for Annuitants

RI 74-
Rev. October 1991

Office of Personnel Management
Retirement and Insurance Group
Washington, DC 20415

November 12 - December 9, 1991

ATTENTION ALL ENROLLEES

If you are hospitalized and enrolled in an FEHB fee-for-service plan, benefits will be reduced by $500 unless you obtain precertification of your hospital admission.

If you have Medicare Part B, neither you nor your FEHB Plan is liable for any physician's charge beyond Medicare's prevailing charge or limiting charge for a particular service.

If you are retired, age 65 or older, and do not have Medicare Part A, all fee-for-service plans limit payment for inpatient hospital charges to the amount established by Medicare for Medicare enrollees; neither you nor your FEHB Plan is liable for any charge beyond the limit if the hospital is a participating Medicare hospital.

ATTENTION ALLIANCE ENROLLEES

Beginning January 1, 1992, the Alliance health plan will be offering only a single enrollment option. You should carefully review the 1992 Alliance brochure concerning premium and benefit changes. If you do not elect to enroll in another FEHB plan, your enrollment in the Alliance plan will continue, but in the new single option that will be available in 1992.

The annual Federal Employees Health Benefits (FEHB) Open Season will be from November 12 through December 9 this year. During the Open Season you may change from one plan to another, from one option to another in the same plan, or from Self Only to Self and Family. *Coverage under your current enrollment will continue automatically unless you request a change or unless your current plan will no longer be participating in the FEHB Program after December 31, 1991. Do not complete and return the enclosed form to notify us that you wish to continue your current health benefits enrollment coverage.*

This annuitant package contains both informational material and an enrollment change form tailored especially for you. The Plan Comparison Chart on the following pages shows the benefits and premiums effective in January 1992 for all fee-for-service plans in the FEHB Program and for the prepaid plans (if any) in your geographic area. Your current plan will send you its 1992 brochure by separate mail. DON'T RELY ON THE CHART ALONE. Detailed information about plan benefits and the contractual description of coverage appear in the plan brochures. Before you make a final decision about changing your enrollment, you should review carefully the official brochure for the plan or plans in which you are interested.

Important
You should carefully review the 1992 premiums shown in the Plan Comparison Chart for your plan and option of coverage. There are only limited opportunities which could permit you to change your enrollment outside the Open Season. If you do not change your enrollment during Open Season, you may not be eligible to change later, even if you do not wish to pay an increased premium cost for your enrollment.

New For 1992

If you do not have Medicare Part A and are a retiree age 65 or older, effective January 1, 1992, the FEHB law requires fee-for-service FEHB plans to limit reimbursement of inpatient hospital charges covered by both Medicare Part A and the plan (even though you are not covered by Medicare). This hospital cost containment measure limits the plan's payment to any hospital to the charges established by Medicare. The law requires hospitals that have participation agreements with the Department of Health and Human Services (HHS) to accept Medicare benefits as payment in full for covered items and services; they must also accept equivalent benefit payments and enrollee copayments under the FEHB Program as full payment. You should notify OPM (see address in your FEHB brochure) if any hospital that has a participation agreement with HHS charges you over the limits specified in the law.

Plans Not Participating in the FEHBP in 1992

A number of plans have decided to withdraw from the FEHBP after December 31, 1991. If you are enrolled in one of these plans, you should elect new coverage during the Open Season. If you no longer wish to have FEHBP coverage, you MUST elect to cancel your enrollment. If you do not elect new coverage or cancel your FEHBP participation, you will be deemed to have elected to enroll in the Blue Cross and Blue Shield Service Benefit Plan, which is the only plan available to all enrollees without a membership fee. The effective date of your deemed election will be January 1, 1992. This will assure your continued coverage and eligibility to participate in the FEHBP.

Hospital Admission Requirement

The preadmission certification provision in fee-for-service plans makes you responsible for ensuring that this requirement is met. You must check, or confirm that your doctor has checked, with your plan **before** you are admitted to the hospital. If that isn't done, your plan will reduce benefits by $500. Be a responsible consumer. Be aware of your plan's cost containment provisions. Avoid penalties and help keep premiums under control by following the procedures specified in your plan's brochure.

Medicare Limits and You

If you have Medicare Part B, you should be aware that the Medicare law affects the amount FEHB plans will pay after Medicare has paid. Nonparticipating Medicare physicians are prohibited from charging more than a certain percentage in excess of Medicare's prevailing charge. This limit on nonparticipating Medicare physicians' charges for services covered by Medicare is called the "limiting charge." Because of this Medicare law, neither you nor your FEHB plan is liable for any amount in excess of Medicare's limiting charge for charges of a nonparticipating Medicare physician. (If the physician accepts Medicare assignment for the claim, the physician will not charge -- and neither you nor your plan will be liable for -- more than Medicare's prevailing charge.) After Medicare pays its benefits, your plan will pay up to an amount that, when added to Medicare's payment, will usually constitute payment in full under Medicare's rules. This limitation on plan payments is not a reduction of your benefits because physicians are prohibited by law from attempting to collect from you more than the amount specified by HHS as payment in full for services covered by Medicare. If you have any questions or problems regarding the Medicare limiting charge, contact your Medicare carrier.

Information About Direct Payment of Health Insurance Premiums

If the amount of your monthly annuity is less than the monthly premium for the plan or option you want, you may be eligible to pay your share of the premium directly to OPM. You may request information on electing this payment option by completing Section 2 of the enclosed EZ-1.

Effective Dates of Open Season Changes and Cancellations
If you change your enrollment coverage, your new coverage will be effective January 1, 1992. Cancellations made during the Open Season are effective December 31, 1991. Your February 1, 1992, annuity payment will be the first monthly payment to reflect the new premium deductions for 1992.

Late Authorization
If you need and request additional FEHB information during the Open Season, you will be granted at least 31 days in which to review the information and return your enrollment change request to us. A special authorization message will appear on the form we send you, granting this individual extension.

Identification Cards
These cards are issued by the health plans, not OPM. Thus, your inquiries regarding identification cards should be directed to your plan. It may take up to 3 months after OPM has processed your Open Season change for you to receive your new identification card. Should you or your family require medical attention after the January 1 effective date, but before you receive your new identification card, you may use the confirmation letter we will send you as proof of your new coverage.

Recent Retirees
If you received an Open Season package, OPM has received your application and records from your last employing agency. These records indicated that you were eligible to continue your health benefits enrollment into retirement. Your enrollment change request will be processed along with your retirement application, and you will receive a copy of an OPM Form 2809 showing your election of new enrollment coverage effective January 1, 1992, when your claim has been completed.

Husband and Wife Accounts
If you and your spouse are both receiving Civil Service Retirement benefits, and you are enrolled in FAMILY coverage, you may decide that it would be more advantageous to have two Self Only coverages (one for you and one for your spouse) rather than Family coverage. If you want to make such a change, **DO NOT USE THE OPEN SEASON FORM.** OPM regulations allow you to change from Family coverage at any time, including the Open Season period. However, your spouse will not receive an Open Season form to enroll in the FEHBP. So that your change from Family to Self Only coverage and your spouse's request to enroll in Self Only coverage will be processed together, thereby avoiding any potential lapse in health coverage, we ask that you and your spouse make your health benefits change requests in writing to the following address:

Office of Personnel Management
Open Season Task Force
P.O. Box 809
Washington, DC 20044

FEHB Plan Comparison Chart - For Benefits Beginning In January 1992

Fee-for-Service Plans

Fee-for-Service Plans reimburse you or the health care provider in whole or in part for covered services. If you enroll in one of these plans, you may choose your own physician, hospital and other health care providers.

The Blue Cross and Blue Shield Service Benefit Plan is open to all annuitants. Some employee organization plans are open to all annuitants through full or associate memberships in the organizations that sponsor the plans; the other employee organization plans are restricted to annuitants who are full members of the sponsoring organization. (See plan brochures for information about membership and membership fees, which are in addition to your monthly premiums. The fees are not part of the FEHB Program.)

- Plans typically use one or both of the following benefit maximums as the amount of your medical or dental care expenses they will cover for a particular service:

  Reasonable & Customary (R & C) Charge is the amount a plan considers to be covered based on a profile of charges determined by the plan to be the amount a provider normally charges for a service and that is usually charged by most other providers for the same service in the same geographic area. Health insurance industry-accepted methods are used by the plans to establish and periodically update R & C charges. The actual amount a provider charges for a particular service may be more than the R & C charge set by the plan for that service. You must pay any amount charged above the R & C charge, unless the provider accepts a lesser amount because of plan-provider agreements, *e.g.*, Preferred Provider Arrangements, or Medicare-imposed limitations.

  Scheduled Allowance (SA) is the fixed dollar amount that has been assigned to a covered service. You must pay any amount the provider charges above it. (Because a plan's Scheduled Allowance for a particular service applies nationwide, and the amount a provider charges for that service may vary geographically, the Scheduled Allowance is likely to defray more of the provider's charge in some areas than in others.)

In your written request you and your spouse must include your retirement claim numbers, Social Security Numbers, the plan and option being elected, and signatures. WE WILL NOT EFFECT ANY CHANGE IN YOUR HEALTH BENEFITS COVERAGE UNTIL WE HAVE DETERMINED THAT YOUR SPOUSE MEETS THE ELIGIBILITY REQUIREMENTS TO ENROLL IN HIS OR HER OWN RIGHT.

Limited Fee-For-Service Plans

If you are eligible to enroll in or are enrolled in BACE, FOREIGN SERVICE, NAPUS, PANAMA CANAL AREA, RURAL CARRIERS, SAMBA OR SECRET SERVICE, you should review a plan brochure for information concerning benefits and premium rates for 1992. These are limited plans open only to specific individuals and for this reason have not been included in the chart below.

Additional Help

If you need assistance in completing your form, you may write to the following address:

Office of Personnel Management
Open Season Task Force
P.O. Box 809
Washington, DC 20044

or you may call the Open Season Hotline at OPM's Retirement Information Office in Washington, DC (This is a Toll Call if you are calling long distance.) The Open Season Hotline numbers are (202) 606-0110 or 606-0111. For the Hearing Impaired: If you have access to a TDD machine, OPM's Retirement Information Office has a TDD number you may use to call for assistance. (This is also a Toll Call if you are calling long distance.) The TDD number is (202) 606-0551.

Privacy Act and Public Burden Statement

The information you provide on this form is needed for your enrollment in the Federal Employees Health Benefits Program under Chapter 89, title 5, U.S. Code. It will be shared with the health insurance carrier you select, so that they may (1) identify your enrollment in their plan, (2) verify your and/or your family's eligibility for payment of a claim for health benefits services or supplies, and (3) coordinate payment of claims with other carriers. This information may be disclosed to other Federal agencies or Congressional offices that may have a need to know it in connection with your application for a job, license, grant or other benefit. It may also be shared and is subject to verification, via paper, electronic media, or through the use of computer matching programs, with national, state, local or other charitable or social security administrative agencies to determine and issue benefits under their programs. In addition, if the information indicates a violation of civil or criminal law, it may be shared with an appropriate Federal, state, or local law enforcement agency. The law does not require you to supply all the information requested on the form, but doing so will assist in the prompt processing of your enrollment.

We think this form takes an average of 30 minutes to complete, including the time for reviewing instructions, getting the needed data, and reviewing the completed form. Send comments regarding our estimate or any other aspect of this form, including suggestions for reducing completion time, to the Office of Management and Budget, Paperwork Reduction Project, (3206-), Washington, DC 20503.

- All plans require you to share costs for covered charges. In addition to the calendar year and inpatient hospital deductibles (see below), other cost-sharing amounts you pay may include coinsurance and/or copayments.
- The calendar year deductible shown is the per person amount. Under a Self and Family enrollment, generally no more than two or three family members, depending on the plan, must meet this deductible. For a few plans, which have established a family deductible, the per person amount shown applies to just one person; the difference between it and the family deductible can be met by any or all of those covered. The calendar year deductible may not apply to every covered charge.
- The inpatient hospital deductible shown is a per person amount. It typically is a per admission or per confinement deductible. However, for certain plans, it is a deductible that applies just to the first admission in a calendar year or a separate calendar year deductible that applies only to inpatient hospital expenses.
- The medical-surgical catastrophic limit applies to your coinsurance payments for inpatient and outpatient care and, depending on the plan, may also include the calendar year deductibles and inpatient deductibles you pay.
- The amounts of covered charges that plans pay for medical-surgical primary care shown are maximum amounts. Payments may be affected, however, by certain limitations and conditions, that are described in the plan brochures. For example, not all charges that are subject to R & C maximums may be paid on the basis of the provider's total charge (see preceding page).
- Most plans require that accidental injury care must be received within a specified number of hours of the injury for the amounts shown to apply.
- While not shown on the Chart, all or virtually all, of the fee-for-service plans provide:
  - Prescription drug benefits; some may include a mail order program and require you to share costs.
  - Mental conditions outpatient care benefits, that usually have dollar and/or visit limits, and you share costs to these limits.
  - Inpatient and outpatient care benefits for alcoholism and drug abuse, that usually have dollar, day and/or visit limits, and you share costs to these limits.
  - Inpatient and outpatient hospice care benefits, that have a dollar maximum which varies by plan.

  See plan brochures for details.

Prepaid Plans are Comprehensive Medical Plans/Health Maintenance Organizations (CMP/HMOs) that provide or arrange for health care by designated plan physicians, hospitals and other providers in particular locations. CMP/HMOs pay all providers through salaries or other payment arrangements. You pay required cost-sharing amounts, *e.g.*, copayments for doctors' office visits.

Each CMP/HMO is open to all annuitants who live within the plan's enrollment area. Since you cannot enroll in a CMP/HMO if you live outside its enrollment area, refer to the plan's brochure if you have any questions about the enrollment area.

Every CMP/HMO provides physicals and immunizations as well as prescription drug benefits.

Every CMP/HMO provides benefits for inpatient and outpatient services for the treatment of mental conditions/substance abuse. However, benefits are limited to short-term care, generally 30 to 45 days of inpatient care and 20 to 35 outpatient visits per calendar year, depending on the plan. You typically share costs to benefit limits. Although the Comparison Chart doesn't include CMP/HMO mental conditions/substance abuse benefits information, you can find the information in the plan brochures.

Dental care coverage may include routine diagnostic and preventive services and one or more of the following treatment services: restorative, crown and bridge, endodontic, oral surgery, periodontal, prosthetic, and orthodontic. However, some plans limit coverage to preventive services for children. See plan brochures for specific coverages.

[FR Doc. 91-21001 Filed 8-30-91; 8:45 am]
BILLING CODE 6325-01-C

POSTAL RATE COMMISSION

[Docket No. MC91-2; Order No. 902]

Order on Filing of United States Postal Service's Proposal To Establish Rate Categories and Discounts for Third-Class 125-Piece Walk-Sequenced Non-Letters

August 28, 1991.

Before Commissioners: George W. Haley, Chairman; Henry R. Folsom, Vice-Chairman; John W. Crutcher; W.H. "Trey" LeBlanc, III; Patti Birge Tyson

Notice is given that on August 22, 1991, the U.S. Postal Service, pursuant to chapter 36 of title 39 of the U.S. Code, filed a request with the Postal Rate Commission for a recommended decision on establishment of rate categories and discounts for third-class 125-piece walk-sequenced non-letters.[1]

The Service's request was accompanied by the direct testimony of Postal Service witness Sampson and a compliance statement detailing the manner in which the Service has met the standards of the Commission's rules of practice and procedure.[2] The Service proposes a Fiscal Year 1992 test year to allow the use of data based on estimates underlying the Commission's Recommended Decision in Docket No. R90-1.

Proposed discounts. The Service proposes discounts from the existing carrier route level of .5 cents for 125-piece walk-sequenced bulk regular rate non-letters and of .2 cents for comparable non-profit non-letters. As indicated in the filing, these discounts are identical to Commission-recommended R90-1 discounts rejected by the Governors.[3]

Intervention. Any person interested in participating as a party in this proceeding should file a notice of intervention with the Secretary of the Commission on or before September 24, 1991, setting forth the nature of the person's interest in the issues. The extensive overlap between the Postal Service's proposals in this docket and a number of matters adopted or decided in Docket R90-1 suggests to us that an appropriate early step in this case would be a conference to discuss possible conduct of all or part of the proceedings without the necessity of hearings. Our rules of practice—particularly § 24(d)(4) (stipulations of fact), (7) (limitation of scope of evidence), and (12) (off-the-record proceedings by agreement)—provide for such discussions at prehearing conferences. See also § 29. (39 CFR 3001.24(d) (4), (7), (12), and 29). To facilitate our planning in this respect, we request that parties, in their notices of intervention, indicate to us, as far as they are reasonably able to do so, all areas in which they believe that informal conduct of the case would be feasible.

Persons seeking status as limited participants should file a written notice of intervention as a limited participator on or before September 24, 1991. Persons wishing to express their views informally, without seeking party or limited participant status, may file comments at any time. Commission rules addressing intervention and comments appear at 39 CFR 3001.20, 20a and 20b.

Officer of the Commission (OOC). Stephen A. Gold, Director of the Commission's Office of the Consumer Advocate, is appointed to represent the interests of the general public in this proceeding. In this capacity, he will direct the activities of Commission personnel assigned to assist him and, at an appropriate time, supply their names for the record. Neither Mr. Gold nor the assigned personnel will participate in or advise as to any Commission decision. The OOC shall be separately served with three copies of all filings, in addition to and at the same time as service on the Commission of the 25 copies required by section 10(c) of the Commission's rules of practice (39 CFR 3001.10(c)).

The Commission orders:

(A) Notices of intervention in this proceeding shall be sent to Charles L. Clapp, Secretary, Postal Rate Commission, 1333 H Street, NW., suite 300, Washington, DC 20268-0001 on or before September 24, 1991.

(B) Stephen A. Gold is appointed Officer of the Commission (OOC) to represent the interests of the general public in this proceeding. Service of documents on the OOC shall be in accordance with the provisions set forth in the body of this Notice and Order.

(C) The Secretary shall cause this Notice and Order to be published in the **Federal Register.**

By the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 91-20965 Filed 8-30-91; 8:45 am]

BILLING CODE 7710-FW-M

[1] In a separate but related notice concerning discovery, the Service relates certain details about service.

[2] The statement also incorporates by reference a considerable amount of material filed by the Postal Service in Docket R90-1, issued as part of the Commission's Opinion and Recommended Decision in that proceeding, or otherwise on file at the Commission. This includes, for example, the testimony and exhibits of Postal Service witnesses, the Service's R90-1 responses to rules 54(d) and 64 (b) and (c), and relevant cost and volume estimates and cost savings as derived and explained in the Commission's R90-1 Opinion, Appendices and workpapers. Interested persons are referred to the Service's filing for a more complete understanding of the nature and extent to which additional material has been incorporated by reference.

[3] The Commission, however, also recommended 125-piece walk sequence discounts for letters. For details of the Governors' disposition, see Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission on Mail Classification Changes, Docket No. R90-1, January 22, 1991 at 3.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Meetings

Notice is hereby given of the meetings of the Prospective Payment Assessment Commission on Wednesday and Thursday, September 11-12, 1991, at The Madison Hotel, 15th & M Streets, Northwest, Washington, DC.

The Subcommittee on Hospital Inpatient Care will meet in Drawing Rooms III and IV, at 9 o'clock a.m. on September 11, 1991. The Subcommittee on Hospital Outpatient and Other Facility Services will convene at the same time and date in Executive Chambers 1 and 2.

The Full Committee will convene at 2 o'clock p.m. on September 11 in Executive Chambers 1 and 2, at 10:15 o'clock on September 12 in Mt. Vernon Salons A, B and C.

All meetings are open to the public.

Donald A. Young,

Executive Director.

[FR Doc. 91-19933 Filed 8-30-91; 8:45 am]

BILLING CODE 6820-BW-M

RESOLUTION TRUST CORPORATION

Coastal Barrier Improvement Act; Property Availability; Destin, South Walton County, FL

AGENCY: Resolution Trust Corporation.

ACTION: Notice of correction of property address.

SUMMARY: This notice corrects the address previously published in the **Federal Register** on August 27, 1991 in the announcement of availability of a property, which is affected by the Coastal Barrier Improvement Act of 1990, as specified in the previous notice. The address of the property as published was: Destin, South Walton County, Texas (TX). The correct address of the property is: Destin, South Walton County, Florida (FL).

FOR FURTHER INFORMATION CONTACT: Dennis Kirsch, Phone (512) 524–4879. Fax (512) 524–7166.

Dated: August 27, 1991.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Executive Secretary.

[FR Doc. 91–20958 Filed 8–30–91; 8:45 am]

BILLING CODE 6714–01–M

SECURITIES AND EXCHANGE COMMISSION

[Securities Exchange Act Release No. 34–29619; File No. 265–17]

Market Oversight and Financial Services Advisory Committee; Meeting and Request for Public Comment

AGENCY: Securities and Exchange Commission.

SUMMARY: The Securities and Exchange Commission Market Oversight and Financial Services Advisory Committee meeting scheduled for September 4, 1991, at 9 a.m. has been changed to September 4, 1991, at 8:30 a.m. This meeting was previously noticed on August 20, 1991, 56 FR 41380. For further information, contact David Mahaffey at (202) 272–2428.

Dated: August 28,1991.

Jonathan G. Katz,

Advisory Committee Management Officer.

[FR Doc. 91–20978 Filed 8–30–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–29618; File No. SR–MSE–91–12]

Self-Regulatory Organizations; Filing of Proposed Rule Change of the Midwest Stock Exchange, Incorporated Regarding the Implementation of an Enhanced Version of the SuperMAX System ("Enhanced SuperMAX") to Run Concurrently with SuperMAX During the SuperMAX Pilot Program

August 27, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 23, 1991, the Midwest Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change provides for an enhanced version of the SuperMAX system and seeks to expand the current SuperMAX pilot program by offering the enhanced version of SuperMAX during the remainder of the pilot program. The enhanced version of SuperMAX ("Enhanced SuperMAX") would operate as a separate system and would be available to MSE specialists as an addition, or as an alternative, to SuperMAX. Participation in Enhanced SuperMAX would be voluntary by specialists and would apply on a stock-by-stock basis for agency market orders of 1,099 shares or less in Dual Trading Systems issues.

However, unlike SuperMAX, which automatically executes all eligible agency market orders either at the consolidated best bid or offer (BBO) or at a price which represents a ⅛ price improvement,[2] Enhanced SuperMAX would automatically stop a market order if its execution at the BBO would create either a double up tick or double down tick. If the execution at the BBO would not result in a double up tick or double down tick, then Enhanced SuperMAX would execute the order at the BBO. Once an Enhanced SuperMAX eligible order is stopped, Enhanced SuperMAX would execute the stopped order based upon the next sale in the primary market.

The Enhanced SuperMAX algorithm compares the previous last sale price to the next sale price, and considers the direction of the market as evidenced by those sale prices, to determine the price at which the stopped market order will be filled. Enhanced SuperMAX would execute stopped orders according to the following criteria:

For Stopped Buy Orders:

1. If the next primary market sale is less than or equal to the last previous sale, then the stopped order will be executed at the last previous sale price. However, if the next primary market sale represents a double down tick or zero minus tick from the last previous sale, then the stopped order will be filled at the last previous sale price plus ⅛.

2. If the next primary market sale is greater than the last previous sale, then the stopped order will be executed at the next primary market sale price. However, if the next primary market sale is inferior to the stop price, then the stopped order will be filled at the stopped price (i.e. the Offer).

For Stopped Sell Orders:

3. If the next primary market sale is greater than or equal to the last previous sale, then the stopped order will be executed at the last previous sale, price. However, if the next primary market sale represents a double up tick or zero plus tick, then the stopped order will be filled at the last previous sale price minus ⅛.

4. If the next primary market sale is less than the last previous sale, then the stopped order will be executed at the next primary market sale price. However, if the next primary market sale is inferior to the stop price, then the stopped order will be filled at the stopped price (i.e. the Bid).

Enhanced SuperMAX would not execute an order at the BBO if such execution would result in an out of range execution, nor would Enhanced SuperMAX provide a fill at a price worse than the stop price.

If a specialist chooses Enhanced SuperMAX, the criteria outlined above would be followed for all eligible stocks. If a specialist chooses to have Enhanced SuperMAX run concurrently with SuperMAX, then the amount of the agency market order would determine which method of execution to be followed. An order of 599 shares or less will execute according to SuperMAX rules; an order of 600 shares to 1,099 shares will execute according to Enhanced SuperMAX rules. An order would *never* be subject to execution under the rules of *both* SuperMAX and Enhanced SuperMAX.

Any eligible order in a stock included in Enhanced SuperMAX which is manually presented at the specialist post by a floor broker must also be guaranteed an execution by the

[1] The filing requested that the proposed rule change be granted accelerated approval. The exchange withdrew its request for accelerated approval on August 15, 1991. *See* letter from Daniel J. Liberti, Associate Counsel, Midwest Stock Exchange, to Kathryn Natale, Assistant Director, Division of Market Regulation, SEC, dated August 15, 1991.

[2] The execution criteria for SuperMAX are as follows:

A. Both buy and sell orders in markets quoted with a minimum variation (⅛ spread) or orders which do not meet the criteria in B or C below will be executed based upon the consolidated best bid or offer as the case may be.

B. Buy orders in markets quoted with more than ⅛ spread will be executed at a price ⅛ better than the consolidated best offer if (a) an execution at the consolidated best offer would create a double up tick based upon the last sale in the primary market or (b) an execution at the consolidated best offer would result in a greater than a ⅛ price change from the last sale in the primary market.

C. Sell orders in markets quoted with more than ⅛ spread will be executed at a price ⅛ better than the consolidated best bid if (a) an execution at the consolidated best bid would create a double down tick based upon the lost sale in the primary market or (b) an execution at the consolidated best bid would result in a greater than a ⅛ price change from the last sale in the primary market.

specialist pursuant to the above-listed criteria. In the unlikely event that a contra side order which would better the Enhanced SuperMAX execution is presented at the post, the incoming order which is executed pursuant to the Enhanced SuperMAX criteria must be adjusted to the better price.

Enhanced SuperMAX would operate during the trading day from 9:00 a.m. CST until the close.

During volatile periods, individual stocks or all stocks may be removed from Enhanced SuperMAX with the approval of two members of the Committee on Floor Procedure.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to offer an enhanced version of the SuperMAX system and to expand the existing pilot program for SuperMAX [3] by offering the enhanced version during the remainder of the SuperMAX pilot. The MSE wants to begin offering Enhanced SuperMAX in order to evaluate both systems during the SuperMAX pilot program, which is currently effective through November 14, 1991. During the concurrent operation of both pilot programs, specialists would be able to use Enhanced SuperMAX as an addition, or as an alternative, to SuperMAX.

Enhanced SuperMAX would provide a mechanism whereby the execution price of market orders up to 1,099 shares can be improved against the consolidated best bid or offer under certain pre-defined conditions. However, where SuperMAX automatically executes small agency market orders at the BBO or at ⅛ price improvement from the BBO, Enhanced SuperMAX would stop agency market orders if their execution at the BBO would result in a double up tick or double down tick as measured against the previous last sale price in the primary market. The MSE believes that this feature of Enhanced SuperMAX provides a fairer and more accurate means of executing market orders than does SuperMAX because executions would be based upon the more current next sale price while also considering the current direction of the market prior to execution.

Because of this comparison, the stopped order may not receive any price improvement against the best bid or offer (stop price). However, while Enhanced SuperMAX would not automatically provide a ⅛ betterment on price, it would allow for even better price improvement if current market conditions dictate that such an improvement is warranted.

The MSE believes that Enhanced SuperMAX fills would have a more reasonable relation to the current market in a stock than does SuperMAX. By waiting for a next sale, rather than executing based solely upon a previous last sale against the consolidated best bid or offer, Enhanced SuperMAX, in effect, requires validation of the displayed market before filling an order. The validation feature of Enhanced SuperMAX adds a check to a market which may be stale or incorrect. This enhancement would benefit customers and specialists alike because it provides a fairer and more accurate price at the time of execution.

Enhanced SuperMAX would continue to consider the last primary market sale, which customers look to in assessing the quality of executions on the MSE. But, by also looking to the next sale in the primary market, customers would receive the added benefit of an execution based upon consideration of two primary market sales, one of which is the most current market information on that stock.

The execution criteria of Enhanced SuperMAX would also contribute to an orderly market because they will generate executions based upon current market activity and trends. The execution criteria of Enhanced SuperMAX would also be applicable to eligible floor broker orders in SuperMAX issues so that a customer would receive the same execution whether the order was delivered manually or electronically.

Participation in Enhanced SuperMAX would be voluntary by specialists on a stock by stock basis. Certain stocks, depending upon the specific trading characteristics of the issue, may not be appropriate for Enhanced SuperMAX, and the Exchange, at this time, believes that the specialist is in the best position to determine Enhanced SuperMAX eligibility.

Enhanced SuperMAX would not execute an order at the BBO if such execution would result in an out of range execution, nor would Enhanced SuperMAX ever give a fill at a price worse than the stop price.

Enhanced SuperMAX would not have any adverse impact upon MSE systems capacity. In fact, the MSE increased its systems capacity in anticipation of the addition of Enhanced SuperMAX to sufficiently handle any added demands on the system for processing the Enhanced SuperMAX algorithm.

In the unlikely event that a better price than an Enhanced SuperMAX execution would provide were available at the post, the specialist would be required to adjust the Enhanced SuperMAX execution to the better price.

The proposal of Enhanced SuperMAX is a result of the MSE's continuing efforts to offer customers quality fills on its trading floor. It should contribute to increased order flow to the MSE, thereby making the Exchange and its specialists more competitive without using disproportionate system resources or placing undue burdens upon specialist profitability.

The Midwest Stock Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934 ("Act") in that it will promote just and equitable principles of trade and will help to perfect the mechanisms of a free and open market and a national market system and will foster competition among markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that no burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments on Enhanced SuperMAX were informally received from Members and were generally favorable.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i)

[3] The MSE filed for an extension of the SuperMAX pilot program on April 30, 1991 (see File No. SR-MSE-91-09). SuperMAX has been in effect on a pilot basis since May 14, 1990 (See File No. SR-MSE-90-05).

as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the MSE consents, the Commission will:

A. By order approve such rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities & Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 24, 1991.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-20979 Filed 8-30-91; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges in Over-the-Counter Issues

August 26, 1991.

On August 15, 1991, the Midwest Stock Exchange, Inc. submitted an application for unlisted trading privileges ("UTP") pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") in the following over-the-counter ("OTC") securities, *i.e.*, securities not registered under section 12(b) of the Act:

File No.	Symbol	Issuer
7-7152	CHIR	Chiron Corp., Common Stock; $.01 par value.
7-7153	CNTO	Centocor, Inc., Common Stock; $.01 par value.
7-7154	CSCO	Cisco Systems, Inc., Common Stock; No par value.
7-7155	ICOS	Icos Corp., Common Stock; $.01 par value.
7-7156	SNPX	Synoptics Communications, Inc., Common Stock; $.01 par value.
7-7157	XOMA	Xoma Corporation, Common Stock; $.0005 par value.

The above-referenced issues are being applied for as an expansion of the exchange's program in which OTC securities are being traded pursuant to a grant of UTP.

Comments

Interested persons are invited to submit, on or before September 16, 1991, written comments, data, views and arguments concerning this application. Persons desiring to make written comments should file three copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Commentators are asked to address whether they believe the requested grant of UTP would be consistent with section 12(f)(2), which requires that, in considering an application for extension of UTP in OTC securities, the Commission consider, among other matters, the public trading activity in such securities, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a National Market System.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-20943 Filed 8-30-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-29605; File No. SR-NASD-91-34]

Self-Regulatory Organizations; Notice and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Service Charges for SelectNet

August 23, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 31, 1991, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing an amendment to part IX of Schedule D of the By-Laws, to eliminate a $25 monthly emergency market conditions service charge for Nasdaq Level ⅔ subscribers capable of receiving SelectNet and the Small Order Execution System ("SOES") services and to decrease the service charge for SelectNet trades from $4.00 to $3.00 per side.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Association is eliminating the emergency market conditions fee of $25 per month that was assessed on every Nasdaq Workstation™ and authorized Digital Interface Service terminal capable of receiving the SelectNet and Small Order Execution System ("SOES") services, and is reducing the per transaction charge for SelectNet trades from $4.00 to $3.00. Analysis of revenue requirements to recover one-time and recurring costs associated with developing and operating the systems indicate that the adjustment is warranted. The NASD is able to make these pricing adjustments based on operating data on members' sustained use of the SelectNet service which increased suostantially since the initial traffic and revenue projections to recover costs were derived.

Projected annual revenues from members' use of SOES and SelectNet will be sufficient to maintain the excess computer capacity needed to utilize each system in extreme market conditions, therefore the NASD is able to eliminate the monthly $25.00 terminal charge previously assessed.

Additionally, the NASD is proposing to decrease the per transaction service charge for the SelectNet screen-based trading service from $4.00 to $3.00 per side. Modifications to the service were approved by the Commission in November, 1990, and since their implementation, the SelectNet service has been used by members to facilitate screen-based negotiations and locked-in executions for transmission to clearing. The service charge has been modified to take into account increased use of the system while still calculated to recover the costs of developing the SelectNet modifications and to support continued operation of the system. Costs include: hardware acquisition and software development (depreciated over a five year period), computer operations in the primary site at Trumbull, Connecticut with full redundancy in the back-up site at Rockville, Maryland, SelectNet utilization of the Nasdaq network, software development and leases, market surveillance system development, and personnel expenses associated with supporting the computer facilities and members' operational concerns.

When the original $4/side transaction fee was adopted, the NASD was responding to members' preference for a SelectNet rate based on a per-transaction fee rather than per-share charge. Additionally, when the original fee was adopted, the NASD committed to review the fee schedule from time to time to adjust charges depending on utilization of the service and costs of future enhancements and operational support. The proposed modification to $3.00 is based on six months experience with SelectNet usage and projections of use over a five-year operational cyle. Thus, the NASD calculated the $3.00 transaction charge in response to members' feedback, in line with full cost recovery for development over five years, factoring in annual service operating costs.

The NASD believes the proposed rule change is consistent with section 15A(b)(5) of the Act. Section 15A(b)(5) requires that the rules of a national securities association "provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the association operates or controls." The SelectNet fees have been established to recover development and operational costs associated with the service.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of the Securities Exchange Rule 19b-4 because it changes a fees imposed by the NASD. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by September 24, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-20942 Filed 8-30-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25365]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

August 23, 1991.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by September 16, 1991 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Mitsubishi Corporation (31-857)

Mitsubishi Corporation of Japan ("Mitsubishi"), 6-3 Marunouchi 2-chome, Chiyoda-ku, Tokyo 100, Japan, an international trading company, has filed an application for an order granting an exemption under section 3(a)(5) from all provisions of the Act, except section 9(a)(2).

Mitsubishi, through wholly owned subsidiaries, currently owns a 1% general partnership interest and a 99% limited partnership interest in Doswell Limited Partnership ("Doswell LP"), a Virginia limited partnership which owns a $480 million, 663 megawatt generating facility under construction in Hanover

County, Virginia ("Facility"). Generating output of the Facility will be sold exclusively to the Virginia Electric and Power Company for resale.

When the Facility becomes operational, Doswell LP will be an "electric utility company" within the meaning of section 2(a)(3) of the Act. Doswell I, Inc. ("Doswell I"), a Delaware corporation and a wholly owned indirect subsidiary of Mitsubishi, will hold a 1% general partnership interest in Doswell LP and will be the managing general partner. Doswell II Limited Partnership ("Doswell II LP"), a Delaware limited partnership in which Mitsubishi holds general and limited partnership interests, will own a 94% to 97% limited partnership interest in Doswell LP.[1] It is anticipated that an investor not affiliated with Mitsubishi will hold a 2% to 5% general or limited partnership interest in Doswell LP through a special-purpose corporation.

Doswell I's parent, Diamond Energy, Inc., will transfer its interest in Doswell I to Diamond-Hanover, Inc. ("Diamond-Hanover"), a Virginia corporation and a wholly owned direct subsidiary of Mitsubishi. Doswell I, as general partner of Doswell LP, will be a holding company as defined by section 2(a)(7) of the Act. Diamond-Hanover and Mitsubishi will also be holding companies under the Act. Doswell I, which will reorganize as a Virginia corporation, and Diamond-Hanover have claimed exemption under section 3(a)(1) of the Act pursuant to rule 2.

Mitsubishi, which seeks an order of exemption under section 3(a)(5), states that it will not become, upon operation of the Facility, a company the principal business of which within the United States is that of a public utility, and that it will not derive any material part of its income, directly or indirectly, from any one or more subsidiary companies the principal business of which within the United States is that of a public utility.

Doswell II Limited Partnership (31–858)

Doswell II Limited Partnership ("Doswell II LP"), 400 South Hope Street, suite 2400, Los Angeles, California 90071, has filed an application under section 2(a)(7) of the Act requesting an order of the Commission declaring that it is not a "holding company."

Doswell II LP, a Delaware limited partnership, has been created for the purpose of holding a limited partnership interest in Doswell Limited Partnership ("Doswell LP"), a Virginia limited partnership which owns a $480 million, 663 megawatt generating facility under construction in Hanover County, Virginia (the "Facility"). Generally output of the Facility will be sold exclusively to the Virginia Electric and Power Company for resale. When the Facility becomes operational, Doswell LP will be an "electric utility company" within the meaning of section 2(a)(3) of the Act.

Doswell I, Inc. ("Doswell I"), a Delaware corporation and a wholly owned indirect subsidiary of the Mitsubishi Corporation of Japan ("Mitsubishi"), an international trading company, will hold a 1% general partnership interest in Doswell LP and will be the managing general partner.[2] Doswell II LP, in which Mitsubishi holds general and limited partnership interests, will own a 94% to 97% limited partnership interest in Doswell LP. It is anticipated that an investor not affiliated with Mitsubishi will hold a 2% to 5% general or limited partnership interest in Doswell LP through a special-purpose corporation.

Doswell II LP requests an order of the Commission declaring that it will not be a "holding company" within the meaning of section 2(a)(7) as a result of its limited partnership interest in Doswell LP. Doswell II LP asserts that its limited partnership interest will not constitute "voting securities" within the meaning of sections 2(a)(17) and 2(a)(7)(A) of the Act. Doswell II LP further asserts that it will not exercise such a "controlling influence," within the meaning of section 2(a)(7)(B), over the management or policies of Doswell LP, as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that it be subject to the obligations, duties and liabilities imposed upon holding companies by the Act.

Consolidated Natural Gas Company (70–7651)

Consolidated Natural Gas Company ("Consolidated"), CNG Tower, Pittsburgh, Pennsylvania 15222–3199, a registered holding company, has filed a post-effective amendment to its declaration under sections 6(a) and 7 of the Act and Rule 50 and 50(a)(5) thereunder.

By order of the Commission dated May 31, 1989 (HCAR No. 24896) ("1989 Order"), Consolidated was authorized to issue and sell, from time-to-time through June 30, 1991, $300 million of debentures. Pursuant to the 1989 Order, on October 12, 1989 Consolidated sold $150 million principal amount of 8¾ debentures.

Consolidated now proposes to issue and sell, from time-to-time through June 30, 1993, up to an aggregate amount of $150 million of debentures ("Debentures"), with maturities of up to 30 years. The Debentures will be issued and sold at competitive bidding in accordance with the alternative procedures authorized by the Statement of Policy dated September 2, 1982 (HCAR No. 22623) or alternatively, pursuant to an exception from the competitive bidding requirements of Rule 50 under subsection 50(a)(5) thereunder.

The proceeds of the Debentures will be used to finance, in part, capital expenditures of Consolidated and its subsidiary companies. The financing of capital expenditures of Consolidated and its subsidiary companies, through June 30, 1992, has been authorized by order of the Commission dated June 28, 1991 (HCAR No. 25339). In addition, Consolidated proposes to use the proceeds to repurchase the remaining 2,423,000 shares of the four million shares of common stock authorized by prior Commission order dated October 19, 1990 (HCAR No. 25175).

GPU Service Corporation (70–7871)

GPU Service Corporation ("GPUSC"), 100 Interpace Parkway, Parsippany, New Jersey 07054, a nonutility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application under sections 9(a) and 10 of the Act.

GPUSC has been developing, for its own use and for use by the public-utility companies in the GPU system, a series of associated computer software programs and related materials known as the Automated Materials Management System ("AMMS").

GPUSC proposes to grant, through December 31, 2001, an exclusive license ("License") in AMMS to a nonassociated company, Utility Resources, Inc. ("Licensee"). Under the terms of a license agreement ("Agreement"), Licensee will act as a

[1] Doswell II LP has filed an application in File No. 31–858 requesting an order of the Commission declaring that it will not be a "holding company" within the meaning of section 2(a)(7) of the Act as a result of its limited partnership interest in Doswell LP.

[2] Doswell I's parent, Diamond Energy, Inc., will transfer its interest in Doswell I to Diamond-Hanover, Inc. ("Diamond-Hanover"), a Virginia corporation and a wholly owned direct subsidiary of Mitsubishi. Doswell I, Diamond-Hanover and Mitsubishi will be holding companies under the Act once the Facility is operational. Doswell I, which will reorganize as a Virginia corporation, and Diamond-Hanover have claimed exemption under section 3(a)(1) of the Act pursuant to rule 2. Mitsubishi has filed an application for an order granting an exemption under section 3(a)(5) from all provisions of the Act, except section 9(a)(2). File No. 31–857.

contractor by recruiting a professional services organization to modify AMMS so that it can be used by nonassociated companies ("Commercial AMMS").

The Agreement will grant an exclusive license in Commercial AMMS to Licensee, to act as a sublicensor in marketing and selling sublicenses ("Sublicenses") to nonassociate companies and, if desirable and opportune, to sell Commercial AMMS outright. The Agreement further provides that Licensee will pay GPUSC a fixed, agreed upon percentage of the gross sales revenues from sales of Sublicenses and from any outright sale of Commercial AMMS.

GPUSC anticipates that total expenditures incurred will not exceed $1 million, and revenues received will not exceed $4 million, for the first five years of these transactions.

Northeast Utilities et al. (70–7878)

Northeast Utilities ("NU"), a registered holding company, and two of its nonutility subsidiary companies, Northeast utilities Service Company ("NUSCO"), and The Rocky River Realty Company ("RRR") (collectively, the "Companies"), all located at 107 Selden Street, Berlin, Connecticut 06037, have filed an application-declaration under Sections 6(a), 7, 12(b) and 12(f) of the Act and Rules 45, 50(a)(5), 90 and 91 thereunder.

The Companies' proposal relates to a series of long-term financing transactions to be entered into in connection with the construction of, and relocation and consolidation of certain of the NU system's operations in, a new office building and parking garage in Berlin, Connecticut (the "Project"). The Project will be financed, constructed and owned by RRR.

The Companies seek Commission approval for the following transactions:

(a) The issuance and sale by RRR of long-term notes ("Series A Notes") to banks or other lenders ("Series A Lenders") in the principal amount of $15 million, to repay funds borrowed by RRR through the NU system Money Pool;

(b) Upon completion of the Project (currently scheduled for May 1992), the issuance and sale by RRR of long-term notes ("Series B Notes") to banks or other lenders ("Series B Lenders") in the principal amount of $28 million (or $30.8 if NU does not make the capital contribution described in the following subparagraph (c)), to repay certain short-term financing, to provide long-term financing for the Project, and to pay a portion of the direct and indirect costs associated with the relocation, including, but not limited to, moving costs, leasehold improvements at the new facilities, repairs at the vacated facilities, lease termination costs and similar expenditures.

(c) A capital contribution of $2.8 million by NU to RRR to defrary certain costs associated with the Project, or, in lieu of such capital contribution, increasing the amount of the Series B Notes by an additional $2.8 million;

(d) The guaranty by NU of RRR's obligations under the Series A Notes and the Series B Notes;

(e) The execution of two new leases between RRR as lessor and NUSCO as lessee for (1) the Project (the "Project Lease") and (2) the balance of the general offices (the "Offices Lease");

(f) The collateral assignment by RRR of the Project Lease to the Series B Lender; and

(g) The collateral assignment by RRR of the Offices Lease to the Series A Lender until the Project is complete, whereupon the Series A Lender will share equitably in the collateral assignment described in paragraph (f) above.

The Series A notes and the Series B Notes will be purchased for an aggregate price equal to one hundred percent of the principal amount thereof; principal and interest will be payable in level monthly installments, in arrears, and may be prepaid in whole or in part, in minimum amounts of $5,000,000, on any monthly payment date beginning not less than two years after the date of purchase. The Series A Notes will have a fixed rate equal to the rate of the 9.5-year United States Treasury Security, plus a percentage to be determined pursuant to negotiations with the Series A Lender, and a term of fifteen years. The Series B Notes will have a fixed rate equal to the rate of the 17.5-year United States Treasury Security, plus a percentage to be determined pursuant to negotiations with the Series B Lender, and a term of twenty-five years.

The Companies have requested an exception pursuant to Rule 50(a)(5) from the formal competitive bidding requirements of Rule 50(b) and (c) with respect to the issuance and sale of the Series A Notes and the Series B Notes, so that they may negotiate the terms of and place with institutional purchasers the Series A Notes and the Series B Notes, either by themselves or with BOT Financial Corporation, an unaffiliated company. They may do so.

Columbus Southern Power Co., et al. (70–7881)

Columbus Southern Power Company ("CSPCo"), an electric public-utility subsidiary company of American Electric Power Company, Inc., 1 Riverside Plaza, Columbus, Ohio 43215, a registered holding company, and CSPCo's wholly owned subsidiary company, Simco, Inc. ("Simco"), both of 215 North Front Street, Columbus, Ohio 43215, have filed an application-declaration under sections 6(a)(2), 7 and 12(c) of the Act and Rule 46 thereunder.

By order dated June 5, 1987 (HCAR No. 24405), the Commission authorized CSPCo to acquire a promissory note from Peabody Coal Company ("Peabody") in connection with the sale of certain real property interests and fixed assets by CSPCo to Peabody. Simco also entered into a Belting Agreement with Peabody under which Simco receives an approximately $43,000 per month usage charge for the approximately 21 year term of a related Coal Supply Agreement.

As a result of these transactions, Simco has cash in excess of its foreseeable capital requirements. Simco currently has outstanding 90,000 shares of common stock, par value $0.10 per share. As of June 30, 1991, Simco had retained earnings of $73,834, additional paid-in-capital of $4,740,000, a stated capital of $9,000 and cash and temporary investments of $5,571,760.

Simco now proposes to declare and pay to CSPCo dividends out of paid-in-capital from time-to-time until the amount of such dividends equals $4 million.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–20944 Filed 8–30–91; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended August 16, 1991

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 47697.

Date filed: August 13, 1991.

Parties: Members of the International Air Transportation Association.

Subject: TC31 Reso/C 0228 dated July 25, 1991, Southeast Asia-USA/US Territories, R–1 To R–7; TC31 Reso/C 0229 dated July 25, 1991, Southeast Asia-Canada, R–8 To R–10.

Proposed Effective Date: October 1, 1991.

Docket Number: 47699.

Date filed: August 15, 1991.

Parties: Members of International Air Transport Association.

Subject: TC123 Reso/P 0088 dated July 25, 1991 (R–1 To R–25); North/Mid/South Atlantic-South Asian Subcontinent, TC123 Meet/P 0048 dated

August 9, 1991—Minutes; TC123 Fares 0032 dated August 7, 1991—Fares Tables.

Proposed Effective Date: October 1, 1991.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 91-21013 Filed 8-30-91; 8:45 am]

BILLING CODE 4910-62-M

Office of the Secretary

Fitness Determination of Arizona Flight School, Inc.; d/b/a/ Arizona Pacific Airways

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 91-8-57, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that Arizona Flight School Inc. d/b/a/ Arizona Pacific Airways is fit, willing, and able to provide commuter air service under section 419(e) of the Federal Aviation Act.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitnes determination should file their responses with the Air Carrier Fitness Division, P-56, Department of Transportation, 400 Seventh Street, SW., room 6401, Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than September 11, 1991.

FOR FURTHER INFORMATION CONTACT: Mrs. Kathy Lusby Cooperstein, air Carrier Fitness Division (P-56, room 6401), U.S. Department of Transportation 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2337.

Dated: August 26, 1991.

Jeffrey N. Shane,

Assitant Secretary for Policy and International Affairs.

[FR Doc. 91-21015 Filed 8-30-91; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q during the Week Ended August 16, 1991

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 47698.

Date filed: August 15, 1991.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 12, 1991.

Description: Application of Tower Air, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applied for issuance of a certificate of public convenience and necessity, or amendment of its current certificate for authority to operate scheduled passenger, property and mail air service between New York, N.Y. and London, England (to be served through Stansted Airport).

Docket Number: 47700.

Date filed: August 16, 1991.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 13, 1991.

Description: Application of Pan American World Airways, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applies for amendment to its Certificate of Public Convenience and Necessity for Route 136, to provide nonstop service between Miami, Florida and Bogota.

Docket Number: 47703.

Date filed: August 16, 1991.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 13, 1991.

Description: Application of Reno Air, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, for issuance of a certificate of public convenience and necessity so as to authorize Reno Air to provide interstate air transportation of persons, property and mail between various points in the United States.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 91-21014 Filed 8-30-91; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: August 27, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New.

Form Number: None.

Type of Review: New collection.

Title: TeleFile Focus Group Interviews.

Description: These focus groups are being conducted to help the service evaluate TeleFile and to initiate recommendations for changes and improvements.

Respondents: Individuals or households.

Estimated Number of Respondents: 250.

Estimated Burden Hours Per Respondent: 3 hours.

Frequency of Response: Other (one-time only).

Estimated Total Reporting Burden: 140 hours.

OMB Number: 1545-0188.

Form Number: IRS Form 4868.

Type of Review: Revision.

Title: Application for Automatic Extension of Time to File U.S. Individual Income Tax Return.

Description: Form 4868 is used by taxpayers to apply for an automatic 4-month extension of time to file Form 4040 or Form 1040A. This form contains data used by the Service to determine if a taxpayer qualifies for the extension.

Respondents: Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 5,562,999.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 26 minutes
Learning about the law or the form: 11 minutes
Preparing the form: 20 minutes
Copy, assembling, and sending the form to IRS: 20 minutes

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 7,231,899 hours.

OMB Number: 1545-0260.

Form Number: IRS Form 706CE.

Type of Review: Extension.

Title: Certificate of Payment of Foreign Death Tax.

Description: Form 706CE is used by the executors of estates to certify that foreign death taxes have been paid so that the estate may claim the foreign taxes have been paid so that the estate may claim the foreign death tax credit allowed by Internal Revenue Code (IRC) section 2014. The information is used by IRS to verify the proper credit has been claimed.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 2,200.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 46 minutes
Learning about the law or the form: 4 minutes
Preparing the form: 25 minutes
Copying, assembling, and sending the form to IRS: 28 minutes

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 3,762 hours.

OMB Number: 1545-0995.

Form Number: None.

Type of Review: Extension.

Title: Allocation of Interest Expense Among Expenditures.

Description: The IRS needs this information in order to determine that a taxpayer has properly allocated interest expense on debt rather than in accordance with the normal allocation rules that are based on the use of the debt proceeds.

Respondents: Individuals or households, Farms, Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 100.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: Other (Amended returns for the first taxable year beginning after 12/31/86.)

Estimated Total Reporting Burden: 100 hours.

Clearance Officer: Garrick Shear; (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf; (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 91-20974 Filed 8-30-91; 8:45 am]
BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 170
Tuesday, September 3, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. Meeting Notice No. 6-91

Notice of Meetings

Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

DATE AND TIME: Thurs., Sept. 19, 1991, at 10:00 a.m.

SUBJECT MATTER: Consideration of Proposed Decisions on claims against Iran.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 601 D Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 601 D Street, NW., Room 10000, Washington, DC 20579. Telephone: (202) 208-7727.

Dated at Washington, DC on August 29, 1991.

Judith H. Lock,

Administrative Officer.

[FR Doc. 91-21077 Filed 8-28-91; 8:45 am]

BILLING CODE 4410-01-M

INTERSTATE COMMERCE COMMISSION

Commission Conference

TIME AND DATE: 10:00 a.m., Tuesday, September 10, 1991.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, D.C. 20423.

STATUS: The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED:

Docket No. AB-338 (Sub-No. 1X), *Oregon, California & Eastern Railway Company—Abandonment—in Klamath County, Oregon.*

Docket No. 37076, *U.S. Department of Energy, Et Al. v. The Baltimore and Ohio Railroad Company, Et Al.*

Finance Docket No. 31617, *Chesapeake and Albemarle Railroad Company, Inc.—Lease, Acquisition, and Operation Exemption—Southern Railway Company,* and Finance Docket No. 31677, *Railtex, Inc.—Continuance in Control Exemption—Chesapeake and Albermarle Railroad Company, Inc.*

Ex Parte No. MC-200, *National Bus Traffic Association, Inc.—Petition for Rulemaking—Special Transportation Arrangements for Persons with Disabilities.*

CONTACT PERSON FOR MORE INFORMATION: A. Dennis Watson, Office of External Affairs, Telephone: (202) 275-7252, TDD: (202) 275-1721.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-21000 Filed 8-28-91; 12:39 pm]

BILLING CODE 7035-01-M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Audit and Appropriations Committee Meeting; Notice

TIME AND DATE: A meeting of the Board of Directors Audit and Appropriations Committee will be held on September 16, 1991. The meeting will commence at 8:00 a.m.

PLACE: The Ramada Renaissance Hotel, 1001 County Line Road, The Ballroom, Jackson, Mississippi 39211, (601) 957-2800, 1-800-227-5489 (Reservations), 1-800-228-9898 (Reservations).

The Legal Services Corporation has made arrangements with the Ramada Renaissance Hotel to make available to the public the lodging rate obtained by the Corporation. To take advantage of the lodging rate, members of the public must make reservations directly with the hotel by calling either of the above-noted telephone numbers. Payment for lodging costs must be remitted directly to the hotel, and reservations must be made by September 1, 1991. Please note that hotel reservations cannot be made through the Legal Services Corporation.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of Minutes of June 25, 1991 meeting.
3. Consideration of Third Quarter Budget Modifications.
4. Consideration of Budget and Expenses Through July 1991.
5. Status Report on Fiscal Year 1992 Appropriation.
6. Consideration of Fiscal Year 1993 Appropriation.

CONTACT PERSON FOR INFORMATION: Patricia D. Batie, Executive Office, (202) 863-1839.

Date issued: August 29, 1991.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 91-21191 Filed 8-29-91; 4:02 p.m.]

BILLING CODE 7050-01-M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Presidential Search Committee; Notice

TIME AND DATE: A meeting of the Board of Directors Presidential Search Committee will be held on September 6, 1991. The meeting will commence at 11:00 a.m.

PLACE: The O'Hare Marriott Hotel, 8535 West Higgins Road, The Michigan Room,[1] Chicago, Illinois 60631, (312) 693-4444.

STATUS OF MEETING: Open, except that a portion of the meeting will be closed pursuant to a majority vote of the Board of Directors taken by telephone on August 26-28, 1991, during which the information contained herein was provided members of the Board of Directors. Specifically, the Presidential Search Committee will discuss matters which will disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy and may relate strictly to internal personnel rules and practices in that the Committee will seek to identify individuals qualified to serve in the capacity of Interim President of the Legal Services Corporation. The closing is authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Sections 552b(c) (2) and (6)], and the corresponding regulation of the Legal Services Corporation [45 C.F.R. Sections 1622.5(a) and (e)]. The closing pursuant to the August 26-28, 1991 vote has been certified by the General Counsel as authorized by the above-

[1] The Legal Services Corporation has been advised by the O'Hare Marriott Hotel that the meeting room assigned is subject to change. Please, therefore, check the grande marquee upon arrival to confirm the meeting location.

cited provisions of law. A copy of the General Counsel's certification is posted for public inspection at the Corporation's headquarters, located at 400 Virginia Avenue, SW., Washington, DC, 20024, in its three reception areas, and is otherwise available upon request.

VOTE TO CLOSE:

Vote of August 26–28, 1999

Board Member	*Vote*
Howard Dana, Jr.	Yes.
J. Blakeley Hall	Yes.
William Kirk, Jr	Yes.
Jo Betts Love	Yes.
Guy V. Molinari	Yes.
Penny L. Pullen	
Thomas D. Rath	Yes.
Basile Uddo	Yes.
George W. Wittgraf	Yes.
Jeanine E. Wolbeck	Yes.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Consideration of Matters Related to the Organization and Development of a Presidential Search Procedure and Receipt of Input from Interested Parties on the same.

CLOSED SESSION:

3. Consideration of Prospective Candidates for the Position of Interim President of the Legal Services Corporation.

OPEN SESSION:

4. Consideration of and/or Settlement on Possible Recommendation to the Board of Directors Regarding a Presidential Search Process.
5. Consideration of and/or Settlement on Possible Recommendation to the Board of Directors Regarding an Individual to serve as Interim President of the Legal Services Corporation.

CONTACT PERSON FOR INFORMATION: Patricia D. Batie, Executive Office, (202) 863–1839.

Dated: August 29, 1991.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 91–21192 Filed 8–29–91; 4:02 p.m.]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Meeting Changes

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR Doc. 91–18443.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: November 11, 1991, tentatively scheduled to commence at 9:00 a.m.

PREVIOUSLY ANNOUNCED LOCATION OF MEETING: Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC 20024.

CHANGES IN THE MEETING:

DATE AND TIME: The meeting of the Board of Directors has been rescheduled to November 18, 1991. The meeting is tentatively scheduled to commence at 9:00 a.m.

PLACE: The Madison Hotel, 15th and "M" Streets, NW., Drawing Rooms I & II, Washington, DC 20005, (202) 862–1600.

The Legal Services Corporation has made arrangements with the Madison Hotel to make available to the public the hotel lodging rate obtained by the Corporation. Accordingly, and due to the limited number of rooms available, interested members of the public are requested to contact the hotel directly at the telephone number listed above to make lodging reservations. The rooms are being held in the name of the Legal Services Corporation. Members of the public must make reservations by October 11, 1991, and will be required to remit payment for lodging costs directly to the Madison Hotel upon departure.

Please note that hotel reservations cannot be made through the Legal Services Corporation.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED: [To be announced]

CONTACT PERSON FOR INFORMATION: Patricia D. Batie, Executive Office, (202) 863–1839.

[For Hotel Reservations and/or Related Information, Please Contact the Madison Hotel at the Above-Noted Telephone Number.]

Date Issued: August 29, 1991.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 91–21193 Filed 8–29–91; 4:02 pm]

BILLING CODE 7050–01–M

NUCELEAR REGULATORY COMMISSION

DATE: Weeks of September 2, 9, 16, and 23, 1991.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of September 2

There are no meetings scheduled for the Week of September 2.

Week of September 9—Tentative

Monday, September 9

2:00 p.m.
Briefing on IIT Report on GE-Wilmington Incident (Public Meeting)

Wednesday, September 11

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting
a. Review of ALAB–952 Affirming Dismissal of Intervenor from Operating License Amendment Proceeding

Week of September 16—Tentative

There are no meetings scheduled for the Week of September 16.

Week of September 23—Tentative

Wednesday, September 25

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meetings Call (Recording)—(301) 492–0292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492–1661.

Dated: August 28, 1991.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 91–21149 Filed 8–29–91; 1:21 pm]

BILLING CODE 7590–01–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 2:00 p.m. on Monday, September 9, 1991, in Washington, D.C., at which the Board will consider a filing with the Postal Rate Commission for a discount for second-class mail on pallets. This meeting is closed to the public. There will be no open meeting.

The meeting is expected to be attended in person or by telephone by the following persons: Governors Alvarado, Daniels, del Junco, Griesemer, Hall, Mackie, Nevin and Setrakian; Postmaster General Frank, Deputy Postmaster General Coughlin, Secretary to the Board Harris, and General Counsel Hughes.

By telephone vote on August 26, 1991, a majority of the members contacted and voting, the Board of Governors voted to add to the September 9 agenda consideration of a filing with the Postal Rate commission for a discount for second-class mail on pallets. The Board determined that pursuant to section

552b(c)(3) Title 5, United States Code, and section 7.3(c) of Title 39, Code of Federal Regulations, the discussion of this matter is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information in connection with proceedings under Chapter 36 of Title 39, United States Code (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of Title 39, United States Code.

The Board has determined further that pursuant to section 552b(c)(10) of Title 5, United States Code, and section 7.3(j) of Title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern participation of the Postal Service in a civil action or proceeding involving a determination on the record after opportunity for a hearing. The Board further determined that the public interest does not require that the Board's discussion of the matter be open to the public.

This Notice supercedes the announcement in FR 40658, August 15, 1991.

Agenda

Monday Session

September 9—2:00 p.m. (Closed)

1. Consideration of a Filing with the Postal Rate Commission for a Discount for Second-Class Mail on Pallets. (Frank R. Heselton, Assistant Postmaster General, Rates and Classification Department)

David F. Harris,

Secretary.

[FR Doc. 91-21147 Filed 8-29-91; 12:48 pm]

BILLING CODE 7710-12-M

Corrections

Federal Register
Vol. 56, No. 170
Tuesday, September 3, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-504]

Erasable Programmable Read Only Memory Semiconductors From Japan; Termination of Antidumping Administrative Review and Revision of Suspension Agreement

Correction

In notice document 91-18753 beginning on page 37523 in the issue of Wednesday, August 7, 1991, make the following correction:

On page 37523, in the 3rd column, in paragraph 1., in the 7th through the 13th line the text should read, "the home market. The signatory producers/exporters will make adjustments to United States price and home market price in accordance with sections 772 and 773 of the Act and the Department's current practice. Cost of production information shall also be collected and maintained, by representative product type, in accordance with section 773(e) of the Act and the Department's current practice. In addition, the signatory producers/exporters shall collect and maintain data, by representative product type, on the total".

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[PR Docket No. 90-205; FCC 91-25]

Frequency Coordinator for Puget Sound

Correction

In rule document 91-3872 published on page 6582 in the issue of Tuesday, February 19, 1991 and corrected in the issue of Thursday, March 7, 1991 on page 9752, the correction to § 0.331 was incorrect and should read as follows:

§ 0.331 [Corrected]

On page 6583, in the second column, the section number should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 91G-0253]

Procter & Gamble Co.; Filing of Petition for Affirmation of Gras Status

Correction

In notice document 91-18911 beginning on page 37712 in the issue of Thursday, August 8, 1991, make the following correction:

On page 37713, in the first column, under **SUPPLEMENTARY INFORMATION**, in the third line, "4098" should read "409".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

RIN 0905-AD01

Educational Assistance to Individuals From Disadvantaged Backgrounds

Correction

In rule document 91-19475 beginning on page 40563 in the issue of Thursday, August 15, 1991, make the following corrections:

§ 57.1805 [Corrected]

1. On page 40565, in the second column, in § 57.1805(d), in the fifth line, "pediatric" should read "podiatric".

§ 57.1806 [Corrected]

2. On the same page, in the third column, in § 57.1806(b), in the sixth line from the bottom, "(g)" should read "(G)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6868

[OR-943-4214-10; GP1-166; OR-16124]

Withdrawal of National Forest System Lands for Steamboat Creek Tributaries Streamside Zone and Steamboat Creek Roadside and Streamside Zones; Oregon

Correction

In rule document 91-19279 beginning on page 40263 in the issue of Wednesday, August 14, 1991, make the following correction:

On page 40264, in the first column, in the fifth paragraph, in the first line, "300" should read "330".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6869

[OR-943-4214-10; GPI-223; OR-22222(WASH)]

Revocation of the Executive Order Dated May 19, 1913; Washington

Correction

In rule document 91-19687 appearing on page 41075 in the issue of Monday, August 19, 1991, make the following correction:

In the second column, at the bottom of the page, just before the signature insert "Dated: August 9, 1991".

BILLING CODE 1505-01-D

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-170]

Certain Bag Closure Clips; Change of Commission Investigative Attorney

Correction

In the issue of Wednesday August 14, 1991, in the document appearing on page 40344, in the third column make the following correction: On the same page, in the third column, in the file line at the end of the document "FR Doc. 91-19934" should read "FR Doc. 91-19334".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7-91-74]

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, FL

Correction

In rule document 91-19104 beginning on page 38072 in the issue of Monday, August 12, 1991 make the following correction:

§ 117.287 [Corrected]

On page 38073, in the first column, in § 117.287(e), in the fifth line following "hour," insert "twenty minutes past the hour,".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Part 178

[T. D. ATF-313]

Commerce in Firearms and Ammunition

Correction

In rule document 91-16947 beginning on page 32507 in the issue of Wednesday, July 17, 1991, make the following correction:

§ 178.144 [Corrected]

On page 32509, in the first column, in § 178.144, in the first line "(i)(A)" should read "(i)(1)".

BILLING CODE 1505-01-D

federal register

Tuesday
September 3, 1991

Part II

State Justice Institute

Grant Guideline; Notice

STATE JUSTICE INSTITUTE

Grant Guideline

AGENCY: State Justice Institute.

ACTION: Proposed grant guideline.

SUMMARY: This Guideline sets forth the proposed administrative, programmatic, and financial requirements attendant to Fiscal Year 1992 State Justice Institute grants, cooperative agreements, and contracts.

DATES: The Institute invites public comment on the Guideline until October 3, 1991.

ADDRESSES: Comments should be sent to: State Justice Institute, 1650 King St. (suite 600), Alexandria, Va. 22314.

FOR FURTHER INFORMATION CONTACT: David I. Tevelin, Executive Director, or Richard Van Duizend, Deputy Director, at the above address, or at (703) 684–6100.

SUPPLEMENTARY INFORMATION: Pursuant to the State Justice Institute Act of 1984, 42 U.S.C. 10701, *et seq.*, as amended, the Institute is authorized to award grants, cooperative agreements, and contracts to State and local courts, nonprofit organizations, and others for the purpose of improving the administration of justice in the State courts of the United States. Approximately $11–12 million is expected to be available for award in FY 1992. The Guideline published for comment below establishes the Institute's funding schedule, procedures, and Special Interest categories for FY 1992.

Funding Schedule

The FY 1992 concept paper deadline will be December 4, 1991. With two exceptions noted immediately below, the FY 1992 funding cycle will be substantially similar to the FY 1991 cycle: The Board will meet in early March, 1992 to invite formal applications based on the most promising concept papers; applications will be due in May; and awards will be approved by the Board in July.

The exceptions to this schedule are proposals to convene a National Conference on Family Violence and the Courts and proposals to follow up on the National Conference on Substance Abuse and the Courts to be held this November.

With respect to the National Conference on Family Violence and the Courts, the Board of Directors has approved an accelerated schedule in order to bring important Institute-supported research findings and other information bearing on this critical issue to the attention of the courts as soon as possible. As set forth in section II.B.2.b.iv. of the Guideline, concept papers proposing to conduct the conference must be sent to SJI no later than October 30, 1991. The Board will invite applications at its November 21–24, 1991 meeting, and make grant decisions at its early March, 1992 meeting. Comment is specifically invited on the topics that should be covered at the conference.

With respect to the Substance Abuse Conference followup, the Board has established a second concept paper deadline of March 1, 1992 to afford those attending the conference an early opportunity to obtain grant support for post-conference implementation activities.

Concept Papers

The format for concept papers has been simplified by reducing the amount of information called for and by the development of a preliminary budget form (see appendix IV). The maximum number of pages permitted in a concept paper has accordingly been reduced from ten to eight (see section VI.). The Board of Directors wishes to emphasize that concept papers are expected to present only a sound concept of a promising project to improve the administration of justice in the State courts. Applicants will have the opportunity to show how their concepts would actually work in their formal applications.

The Board has also approved a procedure by which concept papers requesting less than $40,000 to conduct important court-related legal research or planning activities could be approved for funding on the basis of the concept paper alone. See section VI.C.

Special Interest Categories

The proposed Guideline contains 11 Special Interest categories, i.e., those project areas that the Board has identified as being of particular importance to the State courts. Five categories in last year's Grant Guideline have been eliminated in the proposed FY 1992 Guideline: "Courts and the Community," "Alternative Dispute Resolution," "The Use of Juries," "Design of Effective Orders," and "Responding to the Court-Related Needs of Victims of Crime and Witnesses." Three categories have been added: "Methods of Judicial Selection" (see II.B.2.a.), "Court Financing and Budgeting" (see II.B.2.c.), and "Eliminating Unnecessary Barriers to the Courts" (see II.B.2.i.).

Other significant changes in the FY 1992 Guideline are noted below:

Education and Training

In the "Education and Training for Judges and Other Key Court Personnel" Special Interest category, the Institute announces an experimental $100,000 judicial education scholarship program. This initiative is an effort to test the feasibility of a permanent SJI scholarship program for judges who lack funding to attend out-of-State judicial education programs (see section II.B.2.b.v.). Requests for scholarships may be made at any time during the year.

With one exception, the Board also proposes to eliminate the target allocations for each educational sub-category that were published in the FY 1990 and 1991 Guidelines. The targets were originally established to signal the Institute's interest in balancing the funding allocated for State and national education programs. In light of the increasing proportion of grants to State and local courts over the last two years, and the Board's desire to keep the Institute's grant program responsive to the needs of the State courts as demonstrated by the proposals submitted for funding, the Board proposes to eliminate the target allocations. The elimination of these allocations should not be construed as an intention to favor State over national judicial education programs, or vice versa.

The target allocation that has been preserved from FY 1991 is the reservation of up to $250,000 to support in-State implementation of model judicial education curricula developed under SJI grants. See section II.B.2.b.i.(b).

National Conferences

In section II.B.2.b.iv., the Guideline invites proposals to support four national conferences: the Family Violence and the Courts Conference noted above; a National Conference on Improving the Adversary System; a Symposium on the Results of Evaluations of Court-Connected Alternative Dispute Resolution Programs; and a National Conference for State Supreme Court Justices.

The Conference on Improving the Adversary System is intended to identify the key areas of dissatisfaction with the current litigation process and to develop an agenda for improving both the system and the public's perception of it. The Symposium is intended to bring together key representatives of the courts, researchers, and alternative dispute resolution professionals to share the results of evaluations supported by

SJI and other funders, and to determine the implications of those evaluations for the State courts. The State Supreme Court Justices Conference is intended to provide a unique opportunity for those judges to discuss common issues and concerns.

Future and the Courts

This Special Interest category has been amended to unequivocally state that the Institute will no longer support the establishment of in-State "futures commissions." The Board believes that SJI has supported a sufficient number of models for replication by other States. See section II.B.2.d. The content and scope of other Special Interest categories have also been revised.

Renewal Grants

Section IX. of the Guideline contemplates two types of "renewal" grants: "Continuation" grants that are intended to support limited duration projects continuing the same type of activities supported under previous grants; and "on-going support" grants that are intended to support national scope projects that provide the State courts with services, programs or products for which there is an important continuing need.

Renewal grants have accounted for between 30–40% of the Institute grant funds in each year since FY 1989. In an effort to assure that a greater percentage of funds will be available to support new projects in FY 1992, the Board has established a target for renewal grants (including both continuation and on-going support grants) of no more than 25% of the amount available for grants in FY 1992.

Prohibition Against Litigation Support

Language has been added to the Guideline clarifying that the Institute will not fund projects that, directly or indirectly, would support legal assistance to parties in litigation, e.g., death penalty cases. See section X.G.

Technical Changes

A number of important "technical" changes have been made in the FY 1992 Guideline, including the following:

Several new provisions relating to grant products have been added, including requirements for prominent acknowledgment of SJI grant support, prepublication review of grant products by SJI, and distribution of products to the library in each State that has been designated by the State Supreme Court to receive copies of all SJI grant products (see section VII.C.6.). A list of these libraries is contained in appendix II;

Guideline compliance requirements and the standard grant assurances requested from applicants have been conformed to each other (see sections X. and XI.); and

The Guideline now specifies that a complete and specific multi-year budget must be included in applications for on-going support (see section IX.B.3.h.).

Other technical changes have been made to define match and project income (section III.G.), and to clarify Guideline sections pertaining to Institute review of grantee financial records (section XI.E.4.), grantee close-out requirements (section XI.K.2.), and the reallocation of grant funds among budget categories (section XII.A.), among others.

Recommendations to Grantwriters

Over the past three years, Institute staff have reviewed approximately 1,500 concept papers and over 500 applications. On the basis of those reviews, inquiries from applicants, and the views of the Board, the Institute offers the following recommendations to help potential applicants present workable, understandable proposals that can meet the funding criteria set forth in this Guideline.

The Institute suggests that applicants make certain that they address the questions and issues set forth below when preparing a concept paper or application. Concept papers and applications should, however, be presented in the formats specified in sections VI. and VII. of the Guideline, respectively.

1. *What is the subject or problem you wish to address?*

Describe the subject or problem and how it affects the courts and the public. Discuss how your approach will improve the situation or advance the state of the art or knowledge, and explain why it is the most appropriate approach to take. When statistics or research findings are cited to support a statement or position, the source of the citation should be referenced in a footnote.

2. *What do you want to do?* Explain the goal(s) of the project in simple, straightforward terms. To the greatest extent possible, an applicant should avoid a specialized vocabulary that is not readily understood by the general public. Technical jargon does not enhance a paper.

3. *How will you do it?* Describe the methodology carefully so that what you propose to do and how you would do it is clear. All proposed tasks should be set forth so that a reviewer can see a logical progression of tasks and relate those tasks directly to the accomplishment of the project's goal(s). When in doubt about whether to provide a more detailed explanation or to assume a particular level of knowledge or expertise on the part of the reviewers, err on the side of caution and provide the additional information. A description of project tasks will also help identify necessary budget items. All staff positions and project costs should relate directly to the tasks described. The Institute encourages concept paper applicants to attach letters of cooperation and support from the courts and related agencies that will be involved in or directly affected by the proposed project.

4. *How will you know it works?* Every project design must include an evaluation component to determine whether the proposed training, procedure, service, or technology accomplished the objectives it was designed to meet. Concept papers and applications should describe the criteria that will be used to evaluate the project's effectiveness and identify program elements which will require further modification. The description in the application should include how the evaluation will be conducted, when it will occur during the project period, who will conduct it, and what specific measures will be used. In most instances, the evaluation should be conducted by persons not connected with the implementation of the procedure, training, service, or technique, or the administration of the project.

The Institute has also prepared a more thorough list of recommendations to grantwriters regarding the development of project evaluation plans. Those recommendations are available from the Institute upon request.

5. *How will others find out about it?* Every project design must include a plan to disseminate the results of the training, research, or demonstration beyond the jurisdictions and individuals directly affected by the project. The plan should identify the specific methods which will be used to inform the field about the project, such as the publication of law review or journal articles, presentations at appropriate conferences, or the distribution of key materials. A statement that a report or research findings "will be made available to" the field is not sufficient. The specific means of distribution or dissemination should be identified. Reproduction and dissemination costs are allowable budget items.

6. *What are the specific costs involved?* The budget in both concept papers and applications should be

clearly presented. Major budget categories such as personnel, benefits, travel, supplies, equipment, and indirect costs should be clearly identified.

7. *What, if any, match is being offered?* Courts and other units of State and local government (not including publicly supported institutions of higher education) are required by the State Justice Institute Act, as amended, to contribute a match (cash, non-cash, or both) of not less than 50 percent of the grant funds requested from the Institute. All other applicants are also encouraged to provide a matching contribution to assist in meeting the costs of a project. The match requirement works as follows: If, for example, the total cost of a project is anticipated to be $150,000, a State or local court or executive branch agency may request up to $100,000 from the Institute to implement the project. The remaining $50,000 (50% of the $100,000 requested from SJI) must be provided as match.

Cash match includes funds directly contributed to the project by the applicant, or by other public or private sources. Non-cash match refers to in-kind contributions by the applicant, or other public or private sources. When match is offered, the nature of the match (cash or in-kind) should be explained and, at the application stage, the tasks and line items for which costs will be covered wholly or in part by match should be specified.

8. *Which of the two budget forms should be used?* Section VII.A.3. of the SJI Grant Guideline encourages use of the spreadsheet format of Form C1 if the funding request exceeds $100,000. Form C1 also works well for projects with discrete tasks, no matter what the dollar value of the project. Form C, the tabular format, is preferred for projects lacking a number of discrete tasks, or for projects requiring less than $100,000 of Institute funding. Generally, applicants should use the form that best lends itself to representing most accurately the budget estimates for the project.

9. *How much detail should be included in the budget narrative?* The budget narrative of an application should provide the basis for computing all project-related costs, as indicated in section VII.D. of the SJI Grant Guideline. To avoid common shortcomings of application budget narratives, the following information should be included:

* Personnel estimates that accurately provide the amount of time to be spent by personnel involved with the project and the total associated costs, including current salaries for the designated personnel (e.g., Project Director, 50% for one year, annual salary of $30,000 = $15,000). If salary costs are computed using an hourly or daily rate, the annual salary and number of hours or days in a work-year should be shown.

* Estimates for supplies and expenses supported by a complete description of the supplies to be used, nature and extent of printing to be done, anticipated telephone charges, and other common expenditures, with the basis for computing the estimates included (e.g., 100 reports x 75 pages each x .05/page = $375.00).

Supply and expense estimates offered simply as "based on experience" are not sufficient.

In order to expedite Institute review of the budget, applicants should make a final comparison of the amounts listed in the budget narrative with those listed on the budget form. In the rush to complete all parts of the application on time, there may be many last-minute changes; unfortunately, when there are discrepancies between the budget narrative and the budget form or the amount listed on the application cover sheet, it is not possible for the Institute to verify the amount of the request. A final check of the numbers on the form against those in the narrative will preclude such confusion.

10. *What travel regulations apply to the budget estimates?* Transportation costs and per diem rates must comply with the policies of the applicant organization, and a copy of the applicant's travel policy should be submitted as an appendix to the application. If the applicant does not have a travel policy established in writing, then travel rates must be consistent with those established by the Institute or the Federal Government (a copy of the Institute's travel policy is available upon request). The budget narrative should state which regulations are in force for the project and should include the number of persons traveling, the number of trips to be taken, and the length of stay. The estimated costs of travel, lodging, and other subsistence should be listed separately. When combined, the subtotals for these categories should equal the estimate listed on the budget form.

11. *May grant funds be used to purchase equipment?* Grant funds may be used to purchase or lease only that equipment which is essential to accomplishing the objectives of the project. The budget narrative must list such equipment and explain why the equipment is necessary. Written prior approval of the Institute is required when the amount of automated data processing equipment to be purchased or leased exceeds $10,000, or the software to be purchased exceeds $3,000.

12. *To what extent may indirect costs be included in the budget estimates?* It is the policy of the Institute that all costs should be budgeted directly; however, if an applicant has an indirect cost rate that has been approved by a Federal agency within the last two years, an indirect cost recovery estimate may be included in the budget. A copy of the approved rate agreement should be submitted as an appendix to the application. If an applicant does not have an approved rate agreement, an indirect cost rate proposal should be prepared in accordance with section XI.H.4 of the Grant Guideline, based on the applicant's audited financial statements for the prior fiscal year (applicants lacking an audit must budget all project costs directly). If an indirect cost rate proposal is to be submitted, the budget should reflect estimates based on that proposal. Obviously, this requires that the proposal be completed for the applicant's use at the time of application so that the appropriate estimates may be included; however, grantees have until three months after the project start date to submit the indirect cost proposal to the Institute for approval.

13. *Does the budget truly reflect all costs required to complete the project?* After preparing the program narrative portion of the application, applicants may find it helpful to list all the major tasks or activities required by the proposed project, including the preparation of products, and note the individual expenses, including personnel time, related to each. This will help to ensure that, for all tasks described in the application (e.g., development of a videotape, research site visits, distribution of a final report), the related costs appear in the budget and are explained correctly in the budget narrative.

State Justice Institute Grant Guideline

The following Grant Guideline is accordingly adopted by the State Justice Institute for Fiscal Year 1992:

State Justice Institute Grant Guideline

Summary

Summary

This Guideline sets forth the programmatic, financial, and administrative requirements of grants, cooperative agreements, and contracts awarded by the State Justice Institute. The Institute, a private, nonprofit corporation established by an Act of Congress, is authorized to award grants, cooperative agreements and contracts to improve the administration and quality of justice in the State courts.

Grants may be awarded to State and local courts and their agencies; national nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branch of State governments; national nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments; other nonprofit organizations with expertise in judicial administration; institutions of higher education; individuals, partnerships, firms, or corporations; and private agencies with expertise in judicial administration if the objectives of the funded program can be better served by such an entity. Funds may also be awarded to Federal, State or local agencies and institutions other than courts for services that cannot be provided for adequately through nongovernmental arrangements.

It is anticipated that approximately $10–12 million will be available for grants, contracts, and cooperative agreements from FY 1992 appropriations. The Institute may also provide financial assistance in the form of interagency agreements with other grantors. The Institute will consider applications for funding support that address any of the areas specified in its enabling legislation; however, the Board of Directors of the Institute has designated certain program categories as being of special interest.

The Institute has established one round of competition for FY 1992 funds. The concept paper submission deadline for all but two funding categories is December 4, 1991. Concept papers concerning the proposed National Conference on Family Violence and the Courts must be mailed by October 30, 1991. Concept papers on projects that follow up on the November 1991 National Conference on Substance Abuse and the Courts must be mailed by March 1, 1991. This Guideline applies to all concept papers and formal applications submitted for FY 1992 funding.

The awards made by the State Justice Institute are governed by the requirements of this Guideline and the authority conferred by Public Law 98–620, title II, 42 U.S.C. 10701, *et seq.*, as amended.

I. Background

The State Justice Institute ("Institute") was established by Public Law 98–620 to improve the administration of justice in the State courts in the United States. Incorporated in the State of Virginia as a private, nonprofit corporation, the Institute is charged, by statute, with the responsibility to:

A. Direct a national program of financial assistance designed to assure that each citizen of the United States is provided ready access to a fair and effective system of justice;

B. Foster coordination and cooperation with the Federal judiciary;

C. Promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and

D. Encourage education for judges and support personnel of State court systems through national and State organizations, including universities.

To accomplish these broad objectives, the Institute is authorized to provide funds to State courts, national organizations which support and are supported by State courts, national judicial education organizations, and other organizations that can assist in improving the quality of justice in the State courts.

The Institute is supervised by an eleven-member Board of Directors appointed by the President, by and with the consent of the Senate. The Board is statutorily composed of six judges, a State court administrator, and four members of the public, no more than two of whom can be of the same political party.

The Institute's program budget for Fiscal Year 1992 is expected to be approximately $10–12 million. Through the award of grants, contracts, and cooperative agreements, the Institute is authorized to perform the following activities:

1. Support research, demonstrations, special projects, technical assistance, and training to improve the administration of justice in the State courts;

2. Provide for the preparation, publication, and dissemination of information regarding State judicial systems;

3. Participate in joint projects with Federal agencies and other private grantors;

4. Evaluate or provide for the evaluation of programs and projects funded by the Institute to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have contributed to improving the quality of justice in the State courts;

5. Encourage and assist in furthering judicial education;

6. Encourage, assist, and serve in a consulting capacity to State and local justice system agencies in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services; and

7. Be responsible for the certification of national programs that are intended to aid and improve State judicial systems.

II. Scope of the Program

During FY 1992, the Institute will consider applications for funding support that address any of the areas specified in its enabling legislation. The Board, however, has designated certain program categories as being of "special interest." See section II.B.

A. Authorized Program Areas

The State Justice Institute Act authorizes the Institute to fund projects addressing one or more of the following program areas:

1. Assistance to State and local court systems in establishing appropriate procedures for the selection and removal of judges and other court personnel and in determining appropriate levels of compensation;

2. Education and training programs for judges and other court personnel for the performance of their general duties and for specialized functions, and national and regional conferences and seminars for the dissemination of information on new developments and innovative techniques;

3. Research on alternative means for using judicial and nonjudicial personnel in court decisionmaking activities, implementation of demonstration programs to test such innovative approaches, and evaluations of their effectiveness;

4. Studies of the appropriateness and efficacy of court organizations and financing structures in particular States, and support to States to implement

plans for improved court organization and financing;

5. Support for State court planning and budgeting staffs and the provision of technical assistance in resource allocation and service forecasting techniques;

6. Studies of the adequacy of court management systems in State and local courts, and implementation and evaluation of innovative responses to records management, data processing, court personnel management, reporting and transcription of court proceedings, and juror utilization and management;

7. Collection and compilation of statistical data and other information on the work of the courts and on the work of other agencies which relate to and affect the work of courts;

8. Studies of the causes of trial and appellate court delay in resolving cases, and establishing and evaluating experimental programs for reducing case processing time;

9. Development and testing of methods for measuring the performance of judges and courts and experiments in the use of such measures to improve the functioning of judges and the courts;

10. Studies of court rules and procedures, discovery devices, and evidentiary standards to identify problems with the operation of such rules, procedures, devices, and standards; and the development of alternative approaches to better reconcile the requirements of due process with the need for swift and certain justice, and testing of the utility of those alternative approaches;

11. Studies of the outcomes of cases in selected areas to identify instances in which the substance of justice meted out by the courts diverges from public expectations of fairness, consistency, or equity; and the development, testing and evaluation of alternative approaches to resolving cases in such problem areas;

12. Support for programs to increase court responsiveness to the needs of citizens through citizen education, improvement of court treatment of witnesses, victims, and jurors, and development of procedures for obtaining and using measures of public satisfaction with court processes to improve court performance;

13. Testing and evaluating experimental approaches to provide increased citizen access to justice, including processes which reduce the cost of litigating common grievances and alternative techniques and mechanisms for resolving disputes between citizens; and

14. Other programs, consistent with the purposes of the Act, as may be deemed appropriate by the Institute, including projects dealing with the relationship between Federal and State court systems in areas where there is concurrent State-Federal jurisdiction and where Federal courts, directly or indirectly, review State court proceedings.

Funds will not be made available for the ordinary, routine operation of court systems in any of these areas.

B. Special Interest Program Categories

1. General Description.

The Institute is interested in funding both innovative programs and programs of proven merit that can be replicated in other jurisdictions. Although applications in any of the statutory program areas are eligible for funding in FY 1992, the Institute is especially interested in funding those projects that:

a. Formulate new procedures and techniques, or creatively enhance existing arrangements to improve the courts;

b. Address aspects of the State judicial systems that are in special need of serious attention;

c. Have national significance in terms of their impact or replicability in that they develop products, services and techniques that may be used in other States;

d. Create and disseminate products that effectively transfer the information and ideas developed to relevant audiences in State and local judicial systems or provide technical assistance to facilitate the adaptation of effective programs and procedures in other State and local jurisdictions.

A project will be identified as a "Special Interest" project if it meets the four criteria set forth above and (1) it falls within the scope of the "special interest" program areas designated below, or (2) information coming to the attention of the Institute from the State courts, their affiliated organizations, the research literature, or other sources demonstrates that the project responds to another special need or interest of the State courts.

Concept papers and applications which address a "Special Interest" category will be accorded a preference in the rating process. (See the selection criteria listed in sections VI.B., "Concept Paper Submission Requirements for New Projects," and VIII.B., "Application Review Procedures.")

2. Specific Categories.

The Board has designated the areas set forth below as "Special Interest" program categories. The order of listing does not imply any ordering of priorities among the categories.

a. *Methods of Judicial Selection.* This category includes examinations of various methods and procedures for appointing or electing judges to assist States in identifying those that best enhance public confidence in the State courts and assure that the most qualified individuals are attracted to judicial careers, and assessments of the impact of the application of title 2 of the Voting Rights Act to direct election of State judges.

b. *Education and Training for Judges and Other Key Court Personnel.* With the exception of In-State Implementation projects and Judicial Education Scholarships, the Board of Directors has not established allocation targets for various types of judicial education projects for FY 1992. It anticipates that the Institute will continue to support development and presentation of a substantial number of innovative education and training programs by State as well as national providers, and particularly welcomes proposals in the areas listed below.

i. *State Initiatives.* This category includes support for training projects developed or endorsed by a State's courts for the benefit of judges and other court personnel in that State. Funding of these initiatives does not include support for training programs conducted by national providers of judicial education unless such a program is designed specifically for a particular State and has the express support of the State Chief Justice, State Court Administrator, or State Judicial Educator. The types of programs to be supported within this category should be defined by individual State need but may include:

(a) *Development of In-State Education Programs.*

- Seed money for the creation of an ongoing State-based entity for planning, developing, and administering judicial education programs;
- The development of a pre-bench orientation program and other training for new judges;
- The development of benchbooks and other educational materials; and
- Seed money for innovative continuing education and career development programs, including seminars based on Institute-supported research, and training which brings together teams of judges, court managers and other court personnel to develop strategies for improving the quality and administration of justice.
- The preparation of State plans for judicial education, including model plans for career-long education of the judiciary (e.g., new judge training and

orientation followed by continuing education and career development); and

• The development of State-determined standards for judicial education.

(b) *Implementation of In-State Education Programs.* The Board proposes to reserve $250,000 to provide support for in-State implementation of model curricula and/or model training previously developed with SJI support. The exact amount to be awarded for implementation grants will depend on the number and quality of the applications submitted in this category and other categories of the Guideline. Implementation projects may include an in-State replication or State-specific modification of a model educational program, model curriculum, or course module developed with SJI funds by any other State or any national organization; an adaptation of a curriculum or a portion of a curriculum developed for a national or regional conference; or an adaptation of a curriculum for use as part of a State judicial conference or State training program for judges and other court personnel. Only State or local courts may apply for in-State implementation funding. Grants to support in-State implementation of educational programs previously developed with SJI funds are limited to no more than $20,000 each. As with other awards to State or local courts, cash or in-kind match must be provided equal to at least 50% of the grant amount requested.

In-State implementation grants will be awarded on the basis of criteria including: The need for outside funding; the certainty of effective implementation; and expressions of interest by the judges and/or court personnel who would be directly involved in or affected by the project. The Institute will also consider factors such as the reasonableness of the amount requested, compliance with the statutory match requirements, diversity of subject matter and geographic diversity in making implementation awards.

In lieu of concept papers and formal applications, applicants for in-State implementation grants may submit, at any time, a detailed letter describing the proposed project and addressing the criteria listed above. Although there is no prescribed form for the letter nor a minimum or maximum page limit, letters of application should include the following information to assure that each of the criteria is addressed:

• Project Description. What is the model curriculum or training program to be tested? Who developed it? How will it complement existing education and training programs? Who will the participants be and how will they be recruited? How many participants are anticipated and what limits, if any, will be placed on the number of participants?

• Need for funding. Why is this particular education program needed at the present time? Why cannot State or local resources fully support the modification and presentation of the model curriculum? What is the potential for replicating the program in the future using State or local funds, once it has been successfully adapted and tested?

• Certainty of effective implementation. What date has been set for presenting the program? What types of modifications in the length, format and content of the model curriculum are anticipated? Who will be responsible for adapting the model curriculum? Will the presentation of the program be evaluated, and if so, how and by whom?

• Expressions of interest by the judges and/or court personnel. A demonstration (e.g., by attaching letters of support) that the proposed program has the support of the judges, court managers, and judicial education personnel who are expected to attend.

• Budget and matching State contribution. An outline of the anticipated costs of the program, the amount of funding requested (including the basis for any travel), the amount of match to be contributed, and the sources of the match.

Letters of application may be submitted at any time. It is anticipated that they will be acted upon within 45 days of receipt. The Board of Directors has delegated its authority to approve these grants to its Judicial Education Committee.

Applicants seeking other types of funding must comply with the requirements for concept papers and applications set forth in sections VI and VII or the requirements for renewal applications set forth in section IX.

ii. *National and Regional Training Programs.* This category includes support for national or regional training programs developed by any provider, e.g., national organizations, State courts, universities, or public interest groups. Within this category, priority will be given to training projects which address issues of major concern to the State judiciary and other court personnel. Programs to be supported may include:

• Training programs or seminars on topics of interest and concern that transcend State lines;

• Multi-State or regional training programs sponsored by national organizations, non-profit groups, State courts or universities; and

• Specialized training programs for State trial and appellate court judges, State and local court managers, or other court personnel, including seminars based on Institute-supported research and training which brings together teams of judges, court managers and other court personnel to develop strategies for improving the quality and administration of justice.

iii. *Technical Assistance.* Unlike the preceding categories which support direct training, "Technical Assistance" refers to services necessary for the development of effective educational projects for judges and other court personnel. Projects in this category should focus on the needs of the States, and applicants should demonstrate clearly their ability to work effectively with State judicial educators.

Within this category, priority will be given to the support of projects focused on State-to-State, State-to-national, and national-to-State transfer of ideas and information. Support and assistance to be provided by such projects may include:

• Education of faculty in effective adult education theory and practice, including the application of innovative instructional methods in subjects that require the learner to develop new skills and understanding as well as to acquire new knowledge;

• Consultation on planning, developing and administering State judicial education programs, including development of improved methods for assessing the need for and evaluating the quality and impact of court education programs;

• Methods for effective coordination and exchange of information and educational materials among State and national judicial education providers, including information dissemination about exemplary programs; and

• On-site assistance in any of the areas listed above.

In previous funding cycles, the Institute has supported projects for the broad-based provision of technical assistance services such as: bringing together academically-based adult educators and judicial educators to design needs assessments, evaluations, faculty development workshops and other curricula; developing a database to provide comprehensive and specialized information on judicial education programs and providers across the nation as well as providing short-term technical assistance, usually from one State to another; the development of a modem-accessible database on judicial education faculty and their areas of specialization;

leadership training for State judicial education teams in innovative teaching/learning approaches, curriculum design, and strategic planning for development and implementation of comprehensive State programs; and a national newsletter oriented primarily to State-based judicial education providers.

iv. *Conferences.* This category includes support for regional or national conferences on topics of major concern to the State judiciary and court personnel. The Institute intends to support the planning and presentation of three national conferences addressing the following three topics:

- Family Violence and the Courts;
- Improvement of the Adversary System;
- Results and Policy Implications of Evaluations of Court-Connected Dispute Resolution Programs and Procedures.

Additionally, the Institute intends to support the planning and presentation of a Conference of all State Supreme Court Justices.

(a) *Family Violence and the Courts.* The Board of Directors is specifically interested in receiving proposals from national organizations, universities, courts, and others to conduct a major national conference focusing on the implications for courts of recent research findings regarding effective methods for filing, screening, adjudicating or resolving, and disposing of cases involving spousal or child abuse. The envisioned conference should be planned in collaboration with judges, magistrates, court managers, researchers in the field of domestic violence, prosecutors, representatives from the defense bar, child protective services personnel, treatment providers, and victim advocates/service providers.

Among the issues the conference should address are:

- The appropriateness of hearing family violence cases in criminal vs. juvenile or family court;
- Effective court processes for handling family violence cases, including protocols for juvenile/family court and criminal court judges and magistrates;
- Coordination among courts handling related cases in which different members of the same family are involved;
- The appropriateness of mediation in divorce cases in which family violence is alleged;
- Effective sanctions/sentencing including the effectiveness of batterer treatment programs in changing behavior and controlling anger;
- Effective procedures for obtaining and enforcing civil protection orders, and the effectiveness of such orders in protecting victims and families;
- Assessing the risk of escalating violence;
- The relationship between family violence and substance abuse;
- Understanding the dynamics of family violence and why victims remain in violent relationships; and
- Intrafamilial child sexual abuse.

In order to convene this important conference as soon as possible, the Board has approved an accelerated schedule for the consideration of concept papers and applications proposing the conference. Concept papers must be mailed no later than October 30, 1991. The Board will consider the concept papers and invite formal applications at its November 21–24, 1991, meeting. The applications will be considered at the Board's meeting on March 5–8, 1992.

(b) *The Improvement of the Adversary System.* There have been a number of conferences and symposia addressing alternative dispute resolution procedures and their relationship to the courts. The Board of Directors is now interested in supporting a national conference and the development of background material that would identify the key issues regarding the adversary system, including its strengths and its weaknesses, and develop an agenda for improving both the system and the public's perception of the system.

Among the many topics that could be addressed at the conference are:

- The types of cases for which the adversary process may be the most appropriate and the least appropriate;
- The role of the jury and the use of special or blue-ribbon juries;
- Simplifying the pretrial process, including voir dire; the best way of presenting and adjudicating technically complex cases;
- Methods for reducing trial length and expediting the trial process;
- The education of trial counsel and litigants about settlement techniques and methods for determining the value of their cases;
- The use and impact of Rule 11 and other sanctions;
- The effects of new technologies on the trial process;
- The improved resolution of complex or novel scientific issues; and
- Improving access to the adversary process for poor and middle-income litigants.

The conference should involve the participation of judges, attorneys, court managers, legal scholars, researchers, business leaders, citizens' organizations, dispute resolution specialists, and media representatives.

(c) *Symposium on the Results and Policy Implications of Evaluations of Court-Connected Dispute Resolution Programs and Procedures.* Since its inception, the Institute has supported more than 35 demonstration, research, and evaluation projects as well as a national conference focusing on court-related alternative dispute resolution procedures and programs. The Institute has emphasized assessments of programs and procedures that have a substantial likelihood of resolving civil, criminal, family, and juvenile cases in a more fair, expeditious, and less expensive manner than traditional court processing, with special attention focused on the effect of such programs on the quality of justice, litigant and court costs, court workload, and case processing.

The Board of Directors is interested in supporting a national interactive symposium for State court judges, court managers, court-connected dispute resolution program administrators, evaluators of court-connected dispute resolution programs and other researchers to share the results of the evaluations supported by the Institute and others, and to determine their implication for court policies, procedures and programs. The Institute is specifically interested in a practical exchange of research results that will enable court-related practitioners to develop, assess or modify the following: Program structure and management; selection, training and retention of neutrals; eligibility criteria; case processing; case screening and referral procedures and criteria; the information available to judges, court managers and other court personnel, attorneys and litigants; dispute resolution procedures; program costs; and other relevant issues.

In developing the proposed subject matter for such a conference, interested applicants should be aware that the Institute has funded evaluation projects that focus on: Juvenile offender-victim mediation; divorce mediation; court-annexed arbitration of civil cases; court-annexed mediation of civil, criminal, and domestic relations cases; medical malpractice mediation; alternatives to adjudication in child abuse and neglect cases; early neutral evaluation of motor vehicle cases; appellate mediation; the impact of private judging on the State courts; multi-door courthouse programs; rural ADR programs; and civil settlement processes.

Additional SJI-supported ADR projects include: Development of standards for court-annexed mediation programs; the promotion and

development of multi-door courthouse approaches in specific jurisdictions; testing of a referral-based mediation program; the retention and productivity of volunteer community mediators; the applicability of various dispute resolution procedures to different cultural groups; an examination of whether mediation of matters involving domestic violence is safe and appropriate; and a national directory of court-connected ADR programs.

(d) *State Supreme Court Justices conference.* In light of the lack of opportunity for all members of the Supreme Courts of each of the States to meet together and discuss issues of common concern, the Institute invites proposals to sponsor an educational conference where State Supreme Court justices, legal scholars, and other participants would exchange information about:

- Developing trends in civil, criminal, domestic relations, juvenile, and mental health law;
- Emerging doctrines and principles in State constitutional law and the appropriate use of independent State grounds;
- Problems and solutions in the relationship between State Supreme courts and the Federal court system;
- Appellate procedures and case management techniques;
- The application of technology to assist the appellate process; and
- Other developments in substantive law and judicial administration.

All court education programs should assure that faculty understand and apply adult education techniques and teaching methods; provide opportunities for structured interaction among participants; develop tangible products and materials for use by the faculty, participants and other judicial educators; employ a process for the recruitment of qualified and effective faculty; and develop sound methods for evaluating the impact of the training.

v. *Judicial Education Scholarships.* The Board of Directors proposes to reserve up to $100,000 to support an experimental judicial education scholarship program in FY 1992. The purposes of the experimental program are to: (1) Test the national demand for scholarships; (2) determine whether the availability of SJI funding can meaningfully assist and encourage States to support out-of-State judicial education; and (3) test the feasibility of establishing a permanent scholarship program. The Board would like to provide at least one scholarship per State.

The Institute will fund up to 75% of the total cost of attending a program (including travel, tuition, lodging, meals, and other necessary expenses), up to a maximum of $1,500 per scholarship. Scholarships will be granted to individuals only for the purpose of attending out-of-State programs within the United States.

The Board has delegated the authority to approve or deny scholarships to its Judicial Education Committee. In order to assure the availability of scholarship funds throughout the year, the Committee will limit the amount of scholarship support awarded in any quarter to no more than $30,000.

(a) *How to Apply.* Judges interested in obtaining a scholarship must submit the application form (Form S1) included in appendix III. Applications may be submitted at any time, but should be submitted as far in advance of the training as possible (preferably at least 60 days before the start of the program). The applicant must also obtain the written concurrence of the Chief Justice of his or her State (or the Chief Justice's designee) on Form S2 also included in appendix III. The Chief Justice may concur in more than one scholarship request.

(b) *Selection Criteria.*

- The applicant's commitment to judicial service, as demonstrated by being a full-time judge, years of service as a judge, and anticipated future years of service as a judge;
- The applicant's commitment to judicial education, as demonstrated by previous attendance at non-mandatory in-State judicial education programs, and prior faculty experience or other leadership roles in judicial education programs;
- The applicant's need for the specific educational program and the scholarship, as demonstrated by a description of the applicant's need for training in the particular subject for which the scholarship is sought; how attending this program would enhance the applicant's judicial career and future service on the bench; the lack of educational programs in the applicant's State addressing the particular topic or the uniqueness of the out-of-State program the applicant wishes to attend; the length of time since attendance at last non-mandatory judicial education program; and the unavailability of funds from State or local sources.
- The State's need for the specific educational program, as demonstrated by a signed form S2 and other indications of need.
- The quality of the educational program, as demonstrated by the sponsoring organization's experience in judicial education; evaluations by participants or other professionals in the field; or prior SJI support for this or other programs sponsored by the organization.

Other factors that will be considered include: geographic balance; the balance of scholarships among types of judges (e.g., trial and appellate, experienced and new) and types of courts (e.g., family, juvenile, criminal); and the uniqueness or innovativeness of the program in terms of the topic or educational approach.

(c) *Responsibilities of Scholarship Recipients.* Recipients must submit an evaluation of the educational program they attended to the Chief Justice of their State and to SJI.

A State may impose additional requirements on scholarship recipients that are consistent with SJI's criteria and requirements, e.g., to serve as faculty on the subject at an in-State judicial education program.

c. *Court financing and use of resources.* This category includes projects to improve methods for securing adequate resources for courts and efficiently managing those resources. Among possible topics that could be addressed under this category are: research examining the results, benefits and drawbacks of various methods of financing the courts, including reliance on user and filing fees as well as various methods for enhancing the stability and equity of court funding; and demonstration, technical assistance and education projects concerning innovative methods of allocating resources to maintain or improve court services, and techniques for managing reductions of services and personnel levels in a court environment.

d. *The future and the courts.* The mission of the Future and the Courts Conference convened by SJI and the American Judicature Society in San Antonio in May 1990 was to "formulate visions of the American judicial system over the next 30 years and beyond, establish goals for the long-term needs of the State courts, and identify an agenda for planning, action and research to achieve those goals." The Institute is interested in supporting "second-stage" activities that would enable courts to initiate futures research and long-range strategic planning activities in their own jurisdictions.

Among the types of projects that fall within this category are:

(i) Statewide futures conferences and educational programs exposing judges and court staff to futures thinking and the trends that might impact their courts;

(ii) Development, implementation, and evaluation of long-range planning efforts in individual States and local

jurisdictions, e.g., the development or inclusion of strategic planning techniques, environmental scanning, trends analysis and other futures and long-range planning and research approaches as components of the courts' current planning process or as part of the initiation of such a process;

(iii) Workshops to bring together people from States that have engaged in futures efforts, States that are just beginning those efforts, and States that are just starting to think about them, in order to exchange experiences and identify major problem areas and solutions;

(iv) Symposia dedicated to specific topics or issues (such as the impact of new technologies on traditional notions of due process, or the effect on the courts of changing demographics and other cultures' varied perceptions of justice, conflict, and dispute resolution procedures), identified during the Future and the Courts Conference or other futures activities, that could result in recommendations for courts about future research, planning, training, and action; and

(v) Development of informational materials and curricula to enable judges and court personnel to become more familiar with and apply futures thinking and planning principles.

The Institute has supported futures commissions in seven States. Because the Board of Directors believes that a sufficient variety of commission models now exists, the Institute will not support the development or implementation of any State futures commissions in FY 1992.

e. *Improving communication and coordination among courts.* This category includes the development, implementation and evaluation of innovative procedural, administrative, technological, and organizational methods to improve communication and coordination among State trial and appellate courts and between State and Federal courts hearing related cases. Among the circumstances in which such improved communication and coordination are particularly needed, are:

- Instances in which a litigant in a State civil, criminal or domestic relations case is subject to a Federal bankruptcy proceeding;
- Instances in which a defendant has charges pending in both State and Federal court in more than one State court;
- Post-conviction challenges in capital cases; and
- Mass tort litigation.

f. *Application of technology.* This category includes the testing of innovative applications of technology to improve the operation of court management systems and judicial practices at both the trial and appellate court levels.

The Board seeks to support local experiments with promising but untested applications of technology in the courts that include a structured evaluation of the impact of the technology in terms of costs, benefits, and staff workload. In this context, "untested" refers to novel applications of technology developed for the private sector and other fields that have not previously been applied to the courts. (See paragraph XI.H.2.b. regarding the limits on the use of grant funds to purchase equipment and software.)

In previous funding cycles, grants have been awarded to support:

Demonstration and evaluation of communications technology, e.g.: Interactive computerized information systems to assist pro se litigants; an electronic mail system and computer-based bulletin board to facilitate information transfer among criminal justice agencies in adjoining local jurisdictions; the effects of telephone conferencing in interstate child support cases; the use of FAX technology by courts; a multi-user "system for judicial interchange" designed to link disparate automated information systems and share court information among judicial system offices throughout a State without replacement of the various hardware and software environments which support individual courts; a computerized voice information system permitting parties to access by telephone information pertaining to their cases; an automated public information directory of courthouse facilities and services; and the use of a microcomputer local area network to foster communication among judges and promote a team approach to handling caseloads;

Demonstration and evaluation of records technology, e.g.: The effects, costs, and benefits of videotape as a technique for making the record of trial court proceedings; an automated microfilm system and an optical disk system for maintaining and retrieving court records; an automated Statewide records management system; the integration of bar-coding technology with an existing automated case management system; an on-bench automated system for generating and processing court orders; development of an information retrieval and analysis system specifically designed for court management; and detailed specifications for construction of an automated judicial education management system;

Court technology assistance services, e.g.: Circulation of a court technology bulletin designed to inform judges and court managers about the latest developments in court-related technologies; creation of a court technology laboratory to provide judges and court managers with the opportunity to test automated court-related systems; enhancement of a data base and circulation of reports documenting automated systems currently in use in courts across the country; establishment of a technical information service to respond to specific inquiries concerning court-related technologies; development of court automation performance standards; and a manual for court managers on practical issues relating to the use of computer-aided transcription.

Current grants also are supporting development of a seminar for judges and court managers in an automated "courtroom of the future," implementation and evaluation of a Statewide automated integrated case docketing and record-keeping system, and a national assessment of the efforts to develop and implement Statewide automation of trial courts.

g. *Reduction of litigation expense and delay.* This category includes the testing, implementation, and evaluation of innovative programs and procedures designed to reduce substantially the expense and delay in litigation. Given the range of topics addressed by projects supported by the Institute in previous funding cycles, the Board of Directors is particularly interested in projects addressing the reduction of expense and delay in juvenile and probate courts.

In previous funding cycles, grants have been awarded to support the examination of the causes of delay and the methods for improving case processing in trial courts in rural jurisdictions, limited jurisdiction urban trial courts, and in intermediate appellate courts. In addition, grant support has been awarded to projects testing or examining the impact of innovative procedures for: screening civil cases, handling medical malpractice cases, and expediting appellate decisions.

The Institute has also supported studies of case processing in domestic relations cases, the extent of case processing problems caused by discovery, and methods for effectively managing motions practice in civil cases, as well as assistance to trial courts in major urban areas and to

appellate courts to improve case processing, adopt and implement time standards, and otherwise reduce litigation delay.

h. *Substance Abuse.* This category includes the development and evaluation of innovative case management techniques for handling the increasing volume of substance abuse-related criminal, civil, juvenile and domestic relations cases fairly and expeditiously; the development and testing of programs which establish coordinated efforts between local courts and treatment providers; the evaluation of innovative programs that minimize or reduce recidivism; the development, testing and evaluation of profiles, guides, risk assessment instruments and other tools to assist judges in making release, dispositional, treatment, and sentencing decisions in cases involving substance-abusing persons; and the planning and presentation of seminars or other educational forums for judges, probation officers, caseworkers, and other court personnel to examine court-related issues concerning alcohol and other drug abuse, discuss the appropriate role of the courts in addressing the problem of substance abuse, and develop specific plans for how individual courts can respond to the impact of the increasing volume of substance abuse-related criminal, civil, juvenile, and domestic relations cases on their ability to manage their overall caseloads fairly and efficiently.

Follow-up Projects to the November 1991 Substance Abuse and the Courts Conference. In addition, this category includes State and local court projects to implement the action plans and strategies developed by the State teams attending the National Conference on Substance Abuse and the Courts sponsored by SJI and the Bureau of Justice Assistance in Washington, DC, in November, 1991, as well as projects submitted by other applicants to assist in implementing and disseminating the findings, strategies, and information developed at the Conference. In order to enhance the impact of the Conference and facilitate the implementation of the developed State strategies, concept papers proposing such projects will be accepted on or before March 3, 1992. The Board will review the concept papers at its April meeting.

Projects not directly following up on the Conference must be submitted at the same time as concept papers addressing other Special Interest categories or Program Areas.

In previous funding cycles, the Institute has supported demonstration projects which evaluate the drug court procedures initiated by the Dade County, Florida, and New York City courts, and the effectiveness of court-based alcohol and drug assessment programs; research on the impact of legislation and court decisions dealing with drug-affected infants, and on effective strategies for coping with increasing caseload pressures; development of a benchbook to assist judges in child abuse and neglect cases involving parental substance abuse; and local educational and training programs for judges and other court personnel on substance abuse and its treatment.

i. *Eliminating unnecessary barriers to the courts.* This category includes research, demonstration, evaluation and education projects designed to remove unnecessary barriers to court services, whether geographic, economic, physical or procedural, and to provide opportunities for effective participation of all persons involved in court proceedings including litigants, witnesses, jurors, counsel and court personnel. Examples of the issues that may be addressed include but are not limited to the development and testing of: innovative methods that trial or appellate courts may use in fairly and effectively handling cases involving pro se litigants; innovative techniques for improving the physical accessibility, convenience and security of court facilities and services to the public, including persons with mobility or communications impairments or other physical or mental disabilities; innovative methods to improve procedural accessibility to the courts through the use of simple and clear forms and informational booklets; the innovative use of volunteers; and other innovative approaches to respond to the needs of the culturally, demographically, economically and physically diverse public the courts serve. This category also includes examination of the use and impact on the public of orders limiting access to courtrooms and sealing settlement agreements and dispositional orders. Institute funds may not be used to support legal representation of individuals in specific cases.

Projects previously funded by the Institute that address these issues include: development of a manual for management of court interpretation services; codification and standardization of terms used in criminal proceedings into Spanish and preparation of glossaries of American legal terms in five Asian languages; a survey model to measure the impact of racial, ethnic and gender bias on trial court users; a study of differential usage patterns among minority and non-minority populations; a demonstration of the use of volunteers to monitor guardianships; a study of model court-annexed day care systems; the retention and productivity of volunteer community mediators; the applicability of various dispute resolution procedures to different cultural groups; and the development of comprehensive guidelines for courthouse facilities.

j. *Responding to the court-related needs of elderly persons and persons with disabilities.* This category includes research, demonstration, and evaluation projects on issues related to the fair and effective handling of cases affecting elderly and physically or mentally disabled persons. The issues that may be addressed include but are not limited to:

- Implementation of the recommendations of the National Conference on Court-Related Needs of Elderly Persons and Persons with Disabilities held in February, 1991 in Reno, Nevada;
- The fair and effective consideration of cases involving elderly or disabled victims of crime or abuse;
- The testing of the model judicial guidelines for making life-support decisions and other methods for the fair and effective consideration of cases concerning the cessation of medical and other services to elderly or disabled persons; and
- The basis for determining health-care related legal issues such as: the competency of individuals, what constitutes clear and convincing evidence of a person's wish not to initiate or continue life-sustaining treatment, the allocation of costs for routine and extraordinary health care and the appropriate use of experimental and other health care procedures.

In previous funding cycles, the Institute has supported: Several projects to examine, identify and test procedures to improve the monitoring and enforcement of guardianship orders; a project to develop guidelines for judges in considering cases regarding the withdrawal of life-sustaining treatment; projects to develop training materials on guardianship for judges and potential guardians; projects to develop a benchbook and training materials for judges, probation officers, and probationers regarding AIDS; and a project to develop national standards for probate courts. The Institute also supported a national conference on the court-related problems of elderly persons and persons with disabilities, and is supporting technical assistance and educational programs to disseminate and help implement the

findings and recommendations of that conference.

k. *The relationship between State and Federal courts.* This category includes research to develop creative ideas and procedures that could improve the administration of justice in the State courts and at the same time reduce the work burdens of the Federal courts. Such research projects might address innovative State court procedures for:

- Handling civil, criminal, domestic relations or other types of cases in which a party also is subject to a Federal bankruptcy proceeding;
- Processing complex multistate litigation in the State courts;
- Facilitating the adjudication of Federal law questions by State courts with appropriate opportunities for review;
- Reducing the burdens attendant to Federal habeas corpus cases involving State convictions; and
- Otherwise allocating judicial burdens between and among Federal and State courts.

Other possible areas of research include studies examining the impact on the State courts of the enforcement of Federal statutes.

In previous funding cycles, the Institute has supported projects examining the impact on the State courts of diversity cases and cases brought under section 1983, the procedures used in Federal habeas corpus review of State court criminal cases, the factors that motivate litigants to select Federal or State courts and the mechanisms for transferring cases between Federal and State courts, as well as the methods for effectively consolidating, deciding, and managing complex litigation. The Institute has also supported a clearinghouse of information on State constitutional law decisions.

C. Programs Addressing a Critical Need of a Single State or Local Jurisdiction

1. The Board will set aside up to $1,000,000 to support projects submitted by State or local courts that address the needs of only the applicant State or local jurisdiction. A project under this section may address any of the topics included in the Special Interest Categories or Statutory Program Areas, and may, but need not, seek to implement the findings and recommendations of Institute-supported research, evaluation, or demonstration programs. Concept papers for single jurisdiction projects may be submitted by a State court system, an appellate court, or a limited or general jurisdiction trial court in an urban, rural or suburban area.

2. Concept papers and applications requesting funds for projects under this section must meet the requirements of sections VI ("Concept Paper Submission Requirements for New Projects") and VII ("Application Requirements"), respectively, and must demonstrate that:

a. The proposed project is essential to meeting a critical need of the jurisdiction; and

b. The need cannot be met solely with State and local resources within the foreseeable future.

3. All awards under this category are subject to the matching requirements set forth in section X.B.1.

III. Definitions

The following definitions apply for the purposes of this guideline:

A. *Institute.* The State Justice Institute.

B. *State Supreme Court.* The highest appellate court in a State, unless, for the purposes of the Institute program, a constitutionally or legislatively established judicial council that acts in place of that court. In States having more than one court with final appellate authority, *State Supreme Court* shall mean that court which also has administrative responsibility for the State's judicial system. *State Supreme Court* also includes the office of the court or council, if any, it designates to perform the functions described in this guideline.

C. *Designated Agency or Council.* The office or judicial body which is authorized under State law or by delegation from the State Supreme Court to approve applications for funds and to receive, administer, and be accountable for those funds.

D. *Grantor Agency.* The State Justice Institute.

E. *Grantee.* The organization, entity, or individual to which an award of Institute funds is made. For a grant based on an application from a State or local court, grantee refers to the State Supreme Court.

F. *Subgrantee.* A State or local court which receives Institute funds through the State Supreme Court.

G. *Match.* The portion of project costs not borne by the Institute. Match includes both in-kind and cash contributions. Cash match is the direct outlay of funds by the grantee to support the project. In-kind match consists of contributions of time, services, space, supplies, etc., made to the project by the grantee or others (e.g., advisory board members) working directly on the project. Match does not include project-related income such as tuition or payments for grant products, nor time of participants attending an education program.

I. *Continuation Grant.* A grant of no more than 24 months to permit completion of activities initiated under an existing Institute grant or enhancement of the programs or services produced or established during the prior grant period.

J. *On-going Support Grant.* A grant of up to 36 months to support a project that is national in scope and that provides the State courts with services, programs or products for which there is a continuing important need.

K. *Human Subjects.* Individuals who are participants in an experimental procedure or who are asked to provide information about themselves, their attitudes, feelings, opinions and/or experiences through an interview, questionnaire, or other data collection technique(s).

IV. Eligibility for Award

In awarding funds to accomplish these objectives and purposes, the Institute has been directed by Congress to give priority to State and local courts and their agencies (42 U.S.C. 10705(b)(1)(A)); national nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of State governments (42 U.S.C. 10705 (b)(1)(B)); and national nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments (42 U.S.C. 10705(b)(1)(C)).

An applicant will be considered a "priority" education and training applicant under section 10705(b)(1)(C) if: (1) The principal purpose or activity of the applicant is to provide education and training to State and local judges and court personnel; and (2) the applicant demonstrates a record of substantial experience in the field of judicial education and training.

The Institute also is authorized to make awards to other nonprofit organizations with expertise in judicial administration, institutions of higher education, individuals, partnerships, firms, corporations, and private agencies with expertise in judicial administration, provided that the objectives of the relevant program area(s) can be served better. In making this judgment, the Institute will consider the likely replicability of the projects' methodology and results in other jurisdictions. For-profit organizations are also eligible for grants and cooperative agreements; however, they must waive their fees.

Finally, the Institute is authorized to make awards to Federal, State or local

agencies and institutions other than courts for services that cannot be adequately provided through nongovernmental arrangements.

Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court or its designated agency or council. The latter shall receive all Institute funds awarded to such courts and be responsible for assuring proper administration of Institute funds, in accordance with section XI.B.2 of this Guideline. A list of persons to contact in each State regarding approval of applications from State and local courts and administration of Institute grants to those courts is contained in the appendix.

V. Types of Projects and Amounts of Awards

A. Types of Projects

Except as expressly provided in section II.B.2.b. and II.C. above, the Institute has placed no limitation on the overall number of awards or the number of awards in each special interest category. The general types of projects are:

1. Education and training;
2. Research and evaluation;
3. Demonstration; and
4. Technical assistance.

B. Size of Awards

1. Except as specified in paragraphs V.B.2. and 3., concept papers and applications for new projects and applications for continuation grants may request funding in amounts up to $300,000, although new and continuation awards in excess of $200,000 are likely to be rare and to be made, if at all, only for highly promising proposals that will have a significant impact nationally.

2. Applications for on-going support grants may request funding in amounts up to $600,000. At the discretion of the Board, the funds to support on-going support grants may be awarded either entirely from the Institute's appropriations for the Fiscal Year of the award or from the Institute's appropriations for successive Fiscal Years beginning with the Fiscal Year of the award. When funds to support the full amount of an on-going support grant are not awarded from the appropriations for the Fiscal Year of award, funds to support any subsequent years of the grant will be made available upon (1) the satisfactory performance of the project as reflected in the quarterly Progress Reports required to be filed and grant monitoring, and (2) the availability of appropriations for that Fiscal Year.

C. Length of Grant Periods

1. Grant periods for all new and continuation projects ordinarily will not exceed 24 months.

2. Grant periods for on-going support grants ordinarily will not exceed 36 months.

VI. Concept Paper Submission Requirements for New Projects

Concept papers are an extremely important part of the application process because they enable the Institute to learn the program areas of primary interest to the courts and to explore innovative ideas, without imposing heavy burdens on prospective applicants. The use of concept papers also permits the Institute to better project the nature and amount of grant awards. Because of their importance, the Institute requires all parties requesting financial assistance from the Institute (except those seeking renewal funding pursuant to section IX.) to submit concept papers prior to submitting a formal grant application. This requirement and the submission deadlines for concept papers and applications may be waived for good cause (e.g., the proposed project would provide a significant benefit to the State courts or the opportunity to conduct the project did not arise until after the deadline).

A. Format and Content

Concept papers include a cover sheet, a narrative, and a preliminary budget.

1. The cover sheet must contain:

a. A title describing the proposed project;

b. The name and address of the court, organization or individual submitting the paper;

c. The name, title, address (if different from that in b.), and telephone number of a contact person who can provide further information about the paper; and

d. The letter of the Special Interest Category (see section II.B.2.) or the number of the statutory Program Area (see section II.B.1.) that the proposed project addresses most directly.

2. The narrative should be no longer than necessary, but in no case should exceed eight (8) double-spaced pages on 8 1/2 by 11 inch paper. Margins must not be less than 1 inch and no smaller than 12 point type must be used. The narrative should describe:

a. *Why this project is needed and how it will benefit State courts?* If the project is to be conducted in a specific location(s), applicants should discuss the particular needs of the project site(s) to be addressed by the project, why those needs are not being met through the use of existing materials, programs, procedures, services or other resources, and the benefits that would be realized by the proposed sites(s).

If the project is not site specific, applicants should discuss the problems that the proposed project will address, why existing materials, programs, procedures, services or other resources do not adequately resolve those problems, and the benefits that would be realized from the project by State courts generally.

b. *What will be done if a grant is awarded?* A summary description of the project to be conducted and the approach to be taken.

c. *How the effects and quality of the project will be determined?* A summary description of how the project will be evaluated, including the evaluation criteria.

d. *How others will find out about the project and be able to use the results?* A description of the products that will result, the degree to which they will be applicable to courts across the nation, and the manner in which the products and results of the project will be disseminated.

3. A preliminary budget must be attached to the narrative that includes the estimates and information specified on form E included in appendix IV of this Guideline.

4. The Institute encourages concept paper applicants to attach letters of cooperation and support from the courts and related agencies that will be involved in or directly affected by the proposed project.

5. The Institute will not accept concept papers exceeding eight (8) double-spaced pages. The page limit does not include the cover page, budget form, and any letters of cooperation or endorsements. Additional material should not be attached unless it is essential to impart a clear understanding of the project.

6. Applicants submitting more than one concept paper may include material that would be identical in each concept paper in a cover letter, and incorporate that material by reference in each paper. The incorporated material will be counted against the eight-page limit for each paper. A copy of the cover letter should be attached to each copy of each concept paper.

7. Sample concept papers from previous funding cycles are available from the Institute upon request.

B. Selection Criteria

1. All concept papers will be evaluated by the staff on the basis of the following criteria:

a. The demonstration of need for the project;

b. The soundness and innovativeness of the approach described;

c. The benefits to be derived from the project;

d. The reasonableness of the proposed budget;

e. The proposed project's relationship to one of the "Special Interest" categories set forth in section II.B; and

f. The degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.

2. "Single jurisdiction" concept papers submitted pursuant to section II.C. will be rated on the proposed project's relation to one of the "Special Interest" categories set forth in section II.B., and on the special requirements listed in section II.C.1.

3. In determining which concept papers will be selected for development into full applications, the Institute will also consider the availability of financial assistance from other sources for the project; the amount and nature (cash or in-kind) of the submitter's anticipated match; whether the submitter is a "priority applicant" under the Institute's enabling legislation (see 42 U.S.C. 10705(b)(1) and section IV above); and the extent to which the proposed project would also benefit the Federal courts or help the State courts enforce Federal constitutional and legislative requirements.

C. Review Process

Concept papers will be reviewed competitively by the Board of Directors. Institute staff will prepare a narrative summary and a rating sheet assigning points for each relevant selection criterion for those concept papers which fall within the scope of the Institute's funding program and merit serious consideration by the Board. Staff will also prepare a list of those papers that, in the judgment of the Executive Director, propose projects that lie outside the scope of the Institute's funding program or are not likely to merit serious consideration by the Board. The narrative summaries, rating sheets, and list of non-reviewed papers will be presented to the Board for their review. Committees of the Board will review concept paper summaries within assigned program areas and prepare recommendations for the full Board. The full Board of Directors will then decide which concept paper applicants should be invited to submit formal applications for funding. The decision to invite an application is solely that of the Board of Directors.

The Board may waive the application requirement and approve a grant based on a concept paper for a legal research or planning project requiring less than $40,000, when the need for and benefits of the project are clear, and the methodology and budget require little additional explanation.

D. Submission Requirements

An original and three copies of all concept papers submitted for consideration in Fiscal Year 1992 must be sent by first class or overnight mail or by courier no later than December 4, 1991, except for concept papers proposing to conduct a National Conference on Family Violence and the Courts which must be sent by October 30, 1991 (see Special Interest category (b.iv.(a)), and concept papers proposing projects that follow-up on the National Conference on Substance Abuse and the Courts which must be sent by March 3, 1992 (see Special Interest category h.). A postmark or courier receipt will constitute evidence of the submission date. All envelopes containing concept papers should be marked Concept Paper and should be sent to: State Justice Institute, 1650 King Street, suite 600, Alexandria, Virginia 22314.

It is preferable for letters of cooperation and support to be appended to the concept paper when it is submitted. However, any such letter received prior to the meeting of the Board of Directors at which the paper is considered will be brought to the attention of the Board.

The Board will meet to review the concept papers and invite applications for the National Conference on Family Violence and the Courts on November 21–24, 1991. It will meet on March 5–8, 1992, to review concept papers and invite applications on other topics, and will meet April 30–May 3, 1992, to consider concept papers to follow-up on the National Conference on Substance Abuse and the Courts.

The Institute will send written notice to all persons submitting concept papers of the Board's decisions regarding their papers and of the key issues and questions that arose during the review process. A decision by the Board not to invite an application may not be appealed, but does not prohibit resubmission of the concept paper or a revision thereof in a subsequent round of funding. The Institute will also notify the designated State contact listed in the Appendix when the Board invites applications that are based on concept papers which are submitted by courts within their State or which specify a participating site within their State.

Receipt of each concept paper will be acknowledged in writing. Extensions of the deadline for submission of concept papers will not be granted.

VII. Application Requirements for New Projects

Except as specified in section VI., a formal application for a new project is to be submitted only upon invitation of the Board following review of a concept paper. An application for Institute funding support must include an application form, budget forms (with appropriate documentation), a project abstract and program narrative, and certain certifications and assurances. These documents are described below.

A. Forms

1. *Application Form* (form A)—The application form requests basic information regarding the proposed project, the applicant, and the amount of funding support requested. It also requires the signature of an individual authorized to certify on behalf of the applicant that the information contained in the application is true and complete, that submission of the application has been authorized by the applicant, and that if funding for the proposed project is approved, the applicant will comply with the requirements and conditions of the award, including the assurances set forth in form D.

2. *Certificate of State Approval* (form B)—An application from a State or local court must include a copy of form B signed by the State's Chief Justice or Chief Judge, the director of the designated agency, or the head of the designated council. The signature denotes that the proposed project has been approved by the State's highest court or the agency or council it has designated. It denotes further that if funding for the project is approved by the Institute, the court or designated agency or council will receive, administer, and be accountable for the awarded funds.

3. *Budget Forms* (form C or C1)—Applicants may submit the proposed project budget either in the tabular format of form C or in the spreadsheet format of form C1. Applicants requesting more than $100,000 are encouraged to use the spreadsheet format. If the proposed project period is for more than a year, a separate form should be submitted for each year or portion of a year for which grant support is requested.

In addition to form C or C1, applicants must provide a detailed budget narrative providing an explanation of the basis for

the estimates in each budget category. (See section VII.D.)

If funds from other sources are required to conduct the project, either as match or to support other aspects of the project, the source, current status of the request, and anticipated decision date must be provided.

4. *Assurances* (form D)—This form lists the statutory, regulatory, and policy requirements and conditions with which recipients of Institute funds must comply.

B. Project Abstract

The abstract should highlight the purposes, goals, methods and anticipated benefits of the proposed project. It should not exceed one single-spaced page on 8½ by 11 inch paper.

C. Program Narrative

The program narrative should not exceed 25 double-spaced pages on 8½ by 11 inch paper. Margins must not be less than 1 inch, and no smaller than 12 point type must be used. The page limit does not include the forms, the abstract, the budget narrative, and any appendices containing resumes and letters of cooperation or endorsement. Additional background material should be attached only if it is essential to obtaining a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

The program narrative should address the following topics:

1. *Project Objectives.* A clear, concise statement of what the proposed project is intended to accomplish. In stating the objectives of the project, applicants should focus on the overall programmatic objective (e.g., to enhance understanding and skills regarding a specific subject, or to determine how a certain procedure affects the court and litigants) rather than on operational objectives (e.g., provide training for 32 judges and court managers, or review data from 300 cases).

2. *Program Areas To Be Covered.* A statement which lists the program areas set forth in the State Justice Institute Act, and, if appropriate, the Institute's Special Interest program categories that are addressed by the proposed projects.

3. *Need for the Project.* If the project is to be conducted in a specific location(s), a discussion of the particular needs of the project site(s) to be addressed by the project and why those needs are not being met through the use of existing materials, programs, procedures, services or other resources.

If the project is not site specific, a discussion of the problems that the proposed project will address, and why existing materials, programs, procedures, services or other resources do not adequately resolve those problems. The discussion should include specific references to the relevant literature and to the experience in the field.

4. *Tasks, Methods and Evaluation.*

a. *Tasks and Methods.* A delineation of the tasks to be performed in achieving the project objectives and the methods to be used for accomplishing each task. For example:

For research and evaluation projects, the data sources, data collection strategies, variables to be examined, and analytic procedures to be used for conducting the research or evaluation and ensuring the validity and general applicability of the results. For projects involving human subjects, the discussion of methods should address the procedures for obtaining respondents' informed consent, ensuring the respondents'privacy and freedom from risk or harm, and the protection of others who are not the subjects of research but would be affected by the research. If the potential exists for risk or harm to the human subjects, a discussion should be included of the value of the proposed research and the methods to be used to minimize or eliminate such risk.

For education and training projects, the adult education techniques to be used in designing and presenting the program, including the teaching/learning objectives of the educational design, the teaching methods to be used, and the opportunities for structured interaction among the participants; how faculty will be recruited, selected, and trained; the proposed number and length of the conferences, courses, seminars or workshops to be conducted; the materials to be provided and how they will be developed; and the cost to participants.

For demonstration projects, the demonstration sites and the reasons they were selected, or if the sites have not been chosen, how they will be identified and their cooperation obtained; how the program or procedures will be implemented and monitored.

For technical assistance projects, the types of assistance that will be provided; the particular issues and problems for which assistance will be provided; how requests will be obtained and the type of assistance determined; how suitable providers will be selected and briefed; how reports will be reviewed; and the cost to recipients.

b. *Evaluation.* Every project design must include an evaluation plan to determine whether the project met its objectives. The evaluation should be designed to provide an objective and independent assessment of the effectiveness or usefulness of the training or services provided; the impact of the procedures, technology or services tested; or the validity and applicability of the research conducted. In addition, where appropriate, the evaluation process should be designed to provide ongoing or periodic feedback on the effectiveness or utility of particular programs, educational offerings, or achievements which can then be further refined as a result of the evaluation process. The plan should present the qualifications of the evaluator(s); describe the criteria, related to the project's programmatic objectives, that will be used to evaluate the project's effectiveness; explain how the evaluation will be conducted, including the specific data collection and analysis techniques to be used; discuss why this approach is appropriate; and present a schedule for completion of the evaluation within the proposed project period.

The evaluation plan should be appropriate to the type of project proposed. For example, an evaluation approach suited to many research projects is review by an advisory panel of the research methodology, data collection instruments, preliminary analyses, and products as they are drafted. The panel should be comprised of independent researchers and practitioners representing the perspectives affected by the proposed project.

The most valuable approaches to evaluating educational or training programs will serve to reinforce the participants' learning experience while providing useful feedback on the impact of the program and possible areas for improvement. One appropriate evaluation approach is to assess the acquisition of new knowledge, skills, attitudes or understanding through participant feedback on the seminar or training event. Such feedback might include a self-assessment on what was learned along with the participant's response to the quality and effectiveness of faculty presentations, the format of sessions, the value or usefulness of the material presented and other relevant factors. Another appropriate approach when an education project involves the development of curricular materials is the use of an advisory panel of relevant experts coupled with a test of the curriculum to obtain the reactions of participants and faculty as indicated above.

The evaluation plan for a demonstration project should encompass an assessment of program effectiveness (e.g., how well did it work?); user satisfaction, if appropriate; the cost-effectiveness of the program; a process analysis of the program (e.g., was the program implemented as designed? did it provide the services intended to the targeted population?); the impact of the program (e.g., what effect did the program have on the court? what benefits resulted from the program?); and the replicability of the program or components of the program.

For technical assistance projects, applicants should explain how the quality, timeliness, and impact of the assistance provided will be determined, and should develop a mechanism for feedback from both the users and providers of the technical assistance.

5. *Project Management.* A detailed management plan including the starting and completion date for each task; the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that will be used to ensure that all tasks are performed on time, within budget, and at the highest level of quality. In preparing the project time line, Gantt Chart, or schedule, applicants should make certain that all project activities, including publication or reproduction of project products and their initial dissemination will occur within the proposed project period. The management plan must also provide for the submission of Quarterly Progress and Financial Reports within 30 days after the close of each calendar quarter (i.e., no later than January 30, April 30, July 30, and October 30).

6. *Products.* A description of the products to be developed by the project (e.g., training curricula and materials, videotapes, articles, manuals, or handbooks), including when they will be submitted to the Institute. The application must explain how and to whom the products will be disseminated; describe how they will benefit the State courts including how they can be used by judges and court personnel; identify development, production, and dissemination costs covered by the project budget; and present the basis on which products and services developed or provided under the grant will be offered to the courts community and the public at large.

Ordinarily, the products of a research, evaluation, or demonstration project should include an article summarizing the project findings that is publishable in a journal serving the courts community nationally, an executive summary that will be disseminated to the project's primary audience, or both. The products developed by education and training projects should be designed for use outside the classroom so that they may be used again by original participants and others in the course of their duties.

Applicants must provide for submitting a final draft of the final grant product(s) to the Institute for review and approval before the product(s) are published or reproduced. No grant funds may be obligated for publication or reproduction of a final grant product without the written approval of the Institute. Applicants must also provide for including in all project products a prominent acknowledgment that support was received from the Institute and a disclaimer paragraph based on the example provided in section X.Q. of the Guideline. The "SJI" logo must appear on the front cover of a written product, or in the opening frames of a video product, unless the Institute approves another placement.

Twenty copies of all project products, including videotapes, must be submitted to the Institute. In addition, a copy of each product must be sent to the library established in each State to collect the materials developed with Institute support. (A list of these libraries is contained in appendix II.) For all wordprocessed products, grantees must submit a diskette of the text in ASCII. For non-text products, a copy of the executive summary or a brief abstract in ASCII must be submitted.

7. *Applicant Status.* An applicant that is not a State or local court and has not received a grant from the Institute within the past two years should include a statement indicating whether it is requesting "priority status" recognition as either a national non-profit organization controlled by, operating in conjunction with, and serving the judicial branches of State governments; or a national non-profit organization for the education and training of State court judges and support personnel. See section IV. A request for recognition as a priority recipient pursuant to 42 U.S.C. 10705 (b)(1)(B) or (1)(C) must set forth the basis for designation as a priority recipient in its application. Non-judicial units of Federal, State, or local government must demonstrate that the proposed services are not available from non-governmental sources.

8. *Staff Capability.* A summary of the training and experience of the key staff members and consultants that qualify them for conducting and managing the proposed project. Resumes of identified staff should be attached to the application. If one or more key staff members and consultants are not known at the time of the application, a description of the criteria that will be used to select persons for these positions should be included.

9. *Organizational Capacity.* Applicants that have not received a grant from the Institute within the past two years should include a statement describing the capacity of the applicant to administer grant funds including the financial systems used to monitor project expenditures (and income, if any), and a summary of the applicant's past experience in administering grants, as well as any resources or capabilities that the applicant has that will particularly assist in the successful completion of the project.

If the applicant is a non-profit organization (other than a university), it must also provide documentation of its 501(c) tax exempt status as determined by the Internal Revenue Service and a copy of a current certified audit report. For purposes of this requirement, *current* means no earlier than two years prior to the current calendar year. If a current audit report is not available, the Institute will require the organization to complete a financial capability questionnaire which must be signed by a Certified Public Accountant. Other applicants may be required to provide a current audit report, a financial capability questionnaire, or both, if specifically requested to do so by the Institute.

Unless requested otherwise, an applicant that has received a grant from the Institute within the past two years should describe only the changes in its organizational capacity, tax status, or financial capability that may affect its capacity to administer a grant.

10. *Statement of Lobbying Activities.* Non-governmental applicants must submit the Institute's Disclosure of Lobbying Activities Form that requires them to state whether they, or another entity that is a part of the same organization as the applicant, have advocated a position before Congress on any issue, and identifies the specific subjects of their lobbying efforts.

11. *Letters of Support for the Project.* If the cooperation of courts, organizations, agencies, or individuals other than the applicant is required to conduct the project, written assurances of cooperation and availability should be attached as an appendix to the application.

D. Budget Narrative

The budget narrative should provide the basis for the computation of all project-related costs. Additional background or schedules may be

attached if they are essential to obtaining a clear understanding of the proposed budget. Numerous and lengthy appendices are strongly discouraged.

The budget narrative should address the items listed below. The costs attributable to the project evaluation should be clearly identified.

1. *Justification of Personnel Compensation.* The applicant should set forth the percentages of time to be devoted by the individuals who will serve as the staff of the proposed project, the annual salary of each of those persons, and the number of workdays per year used for calculating the percentages of time or daily rate of those individuals. The applicant should explain any deviations from current rates or established written organization policies. If grant funds are requested to pay the salary and related costs for a current employee of a court or other unit of government, the applicant should explain why this would not constitute a supplantation of State or local funds in violation of 42 U.S.C. 10706(d)(1). An acceptable explanation may be that the position to be filled is a new one established in conjunction with the project or that the grant funds will be supporting only the portion of the employee's time that will be dedicated to new or additional duties related to the project.

2. *Fringe Benefit Computation.* The applicant should provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented as well as a description of the elements included in the determination of the percentage rate.

3. *Consultant/Contractual Services.* The applicant should describe each type of service to be provided. The basis for compensation rates and the method for selection should also be included. Rates for consultant services must be set in accordance with section XI.H.2.c.

4. *Travel.* Transportation costs and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established travel policy, then travel rates shall be consistent with those established by the Institute or the Federal Government. (A copy of the Institute's travel policy is available upon request.) The budget narrative should include an explanation of the rate used, including the components of the per diem rate and the basis for the estimated transportation expenses. The purpose for travel should also be included in the narrative.

5. *Equipment.* Grant funds may be used to purchase or lease only that equipment which is essential to accomplishing the objectives of the project. The applicant should describe the equipment to be purchased or leased and explain why the acquisition of that equipment is essential to accomplish the project's goals and objectives. The narrative should clearly identify which equipment is to be leased and which is to be purchased. The method of procurement should also be described. Purchases for automatic data processing equipment must comply with section XI.H.2.b.

6. *Supplies.* The applicant should provide a general description of the supplies necessary to accomplish the goals and objectives of the grant. In addition, the applicant should provide the details supporting the total requested for this expenditure category.

7. *Construction.* Construction expenses are prohibited except for the limited purposes set forth in section X.G.2. Any allowable construction or renovation expense should be described in detail in the budget narrative.

8. *Telephone.* Applicants should include anticipated telephone charges, distinguishing between monthly charges and long distance charges in the budget narrative. Also, applicants should provide the basis used in developing the monthly and long distance estimates.

9. *Postage.* Anticipated postage costs for project-related mailings should be described in the budget narrative. The cost of special mailings, such as for a survey or for announcing a workshop, should be distinguished from routine operational mailing costs. The bases for all postage estimates should be included in the justification material.

10. *Printing/Photocopying.* Anticipated costs for printing or photocopying should be included in the budget narrative. Applicants should provide the details underlying these estimates in support of the request.

11. *Indirect Costs.* Applicants should describe the indirect cost rates applicable to the grant in detail. These rates must be established in accordance with section XI.H.4. If the applicant has an indirect cost rate or allocation plan approved by any Federal granting agency, a copy of the approved rate agreement should be attached to the application.

12. *Match.* The applicant should describe the source of any matching contribution and the nature of the match provided. Any additional contributions to the project should be described in this section of the budget narrative as well. If in-kind match is to be provided, the applicant should describe how the amount and value of the time, services or materials actually contributed will be documented. Applicants should be aware that the time spent by participants in education courses does not qualify as in-kind match. (Samples of forms used by current grantees to track in-kind match are available from the Institute upon request.)

Applicants that do not contemplate making matching contributions continuously throughout the course of the project or on a task-by-task basis must provide a schedule within 30 days after the beginning of the project period indicating at what points during the project period the matching contributions will be made. (See sections III.G., VIII.B., X.B. and XI.D.1.)

E. Submission Requirements

1. An application package containing the application, an original signature on FORM A (and on FORM B, if the application is from a State or local court), and four photocopies of the application package must be sent by first class or overnight mail, or by courier no later than May 13, 1992. A postmark or courier receipt will constitute evidence of the submission date. Please mark Application on all application package envelopes and send to: State Justice Institute, 1650 King Street, Alexandria, Virginia 22314.

Receipt of each proposal will be acknowledged in writing. Extensions of the deadline for receipt of applications will not be granted.

2. Applicants invited to submit more than one application may include material that would be identical in each application in a cover letter, and incorporate that material by reference in each application. The incorporated material will be counted against the 25-page limit for the program narrative. A copy of the cover letter should be attached to each copy of each application.

3. It is preferable for letters of cooperation or support to be appended to the application when it is submitted. However, any letters received prior to the meeting of the Board of Directors at which the application is considered will be brought to the attention of the Board.

VIII. Application Review Procedures

A. Preliminary Inquiries

The Institute staff will answer inquiries concerning application procedures. The staff contact will be named in the Institute's letter inviting submission of a formal application.

B. Selection Criteria

1. All applications will be rated on the basis of the criteria set forth below. The Institute will accord the greatest weight to the following criteria:

a. The soundness of the methodology;
b. The appropriateness of the proposed evaluation design;
c. The qualifications of the project's staff;
d. The applicant's management plan and organizational capabilities;
e. The reasonableness of the proposed budget;
f. The demonstration of need for the project;
g. The products and benefits resulting from the project;
h. The demonstration of cooperation and support of other agencies that may be affected by the project;
i. The proposed project's relationship to one of the "Special Interest" categories set forth in section II.B., and
j. The degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.

2. "Single jurisdiction" applications submitted pursuant to section II.C. will also be rated on the proposed project's relation to one of the "Special Interest" categories set forth in section II.B. and on the special requirements listed in section II.C.1.

3. In determining which applicants to fund, the Institute will also consider the applicant's standing in relation to the statutory priorities discussed in section IV; the availability of financial assistance from other sources for the project; the amount and nature (cash or in-kind) of the applicant's match; and the extent to which the proposed project would also benefit the Federal courts or help the State courts enforce Federal constitutional and legislative requirements.

C. Review and Approval Process

Applications will be reviewed competitively by the Board of Directors. The Institute staff will prepare a narrative summary of each application, and a rating sheet assigning points for each relevant selection criterion. When necessary, applications may also be reviewed by outside experts. Committees of the Board will review applications within assigned program categories and prepare recommendations to the full Board. The full Board of Directors will then decide which applications to approve for a grant. The decision to award a grant is solely that of the Board of Directors.

Awards approved by the Board will be signed by the Chairman of the Board on behalf of the Institute.

D. Return Policy

Unless a specific request is made, unsuccessful applications will not be returned. Applicants are advised that Institute records are subject to the provisions of the Federal Freedom of Information Act, 5 U.S.C. 552.

E. Notification of Board Decision

The Institute will send written notice to applicants concerning all Board decisions to approve or deny their respective applications and the key issues and questions that arose during the review process. A decision by the Board to deny an application may not be appealed, but does not prohibit resubmission of a concept paper based on that application in a subsequent round of funding. The Institute will also notify the designated State contact listed in appendix I when grants are approved by the Board to support projects that will be conducted by or involve courts in their State.

F. Response to Notification of Approval

Applicants have 30 days from the date of the letter notifying them that the Board has approved their application to respond to any revisions requested by the Board. If the requested revisions (or a reasonable schedule for submitting such revisions) has not been submitted to the Institute within 30 days after notification, the approval will be automatically rescinded and the application presented to the Board for reconsideration.

IX. Renewal Funding Procedures and Requirements

The Institute recognizes two types of renewal funding—"continuation grants" and "on-going support grants." Pursuant to the procedures and requirements set forth below, the Board may, in its discretion and subject to the availability of funds, consider requests for renewal funding at times other than those set for new projects in Sections VI. and VII. The Board of Directors anticipates allocating no more than 25% of available grant funds for FY 1992 for renewal grants. Applicants should be aware that this is less than the level of renewal funding approved in recent fiscal years.

A. Continuation Grants

1. Purpose and Scope

Continuation grants are intended to support projects with a limited duration that involve the same type of activities as the previous project. They are intended to enhance the specific program or service produced or established during the prior grant period. They may be used, for example, when a project is divided into two or more sequential phases, for secondary analysis of data obtained in an Institute-supported research project, or for more extensive testing of an innovative technology, procedure, or program developed with SJI grant support.

In order for a project to be considered for continuation funding, the grantee must have completed the project tasks and met all grant requirements and conditions in a timely manner, absent extenuating circumstances or prior Institute approval of changes to the project design. Continuation grants are not intended to provide support for a project for which the grantee has underestimated the amount of time or funds needed to accomplish the project tasks.

2. Application Procedures—Letters of Intent

In lieu of a concept paper, a grantee seeking a continuation grant must inform the Institute, by letter, of its intent to submit an application for such funding as soon as the need for renewal funding becomes apparent but no less than 120 days before the end of the current grant period.

a. A letter of intent must be no more than 3 single-spaced pages on 8½ by 11 inch paper and must contain a concise but thorough explanation of the need for continuation; an estimate of the funds to be requested; and a brief description of anticipated changes in scope, focus or audience of the project.

b. Letters of intent will not be reviewed competitively. Institute staff will review the proposed activities for the next project period and, within 30 days of receiving a letter of intent, inform the grantee of specific issues to be addressed in the continuation application and the date by which the application for a continuation grant must be submitted.

3. Application Format

An application for a continuation grant must include an application form, budget forms (with appropriate documentation), a project abstract conforming to the format set forth in section VII.B., a program narrative, a budget narrative, and certain certifications and assurances.

The program narrative should conform to the length and format requirements set forth in section VII.C. However, rather than the topics listed in section VII.C., the program narrative of an application for a continuation grant should address:

a. *Need for Continuation.* Explain why continuation of the project is necessary to achieve the goals of the project, and how the continuation will benefit the participating courts or the courts community generally. That is, to what extent will the goals and objectives of

the project be unfulfilled if the project is not continued, and conversely, how will the findings or results of the project be enhanced by continuing the project?

b. *Report of Current Project Activities.* Discuss the status of all activities conducted during the previous project period, identify any activities that were not completed, and explain why.

c. *Evaluation Findings.* Describe the key findings or recommendations resulting from the evaluation of the project, if they are available, and explain how they will be addressed during the proposed continuation. If the findings are not yet available, provide the date by which they will be submitted to the Institute.

d. *Tasks, Methods, Staff and Grantee Capability.* Describe fully any changes in the tasks to be performed, the methods to be used, the products of the project, how and to whom those products will be disseminated, the assigned staff, or the grantee's organizational capacity.

e. *Task Schedule.* Present a detailed task schedule and time line for the next project period.

f. *Other Sources of Support.* Indicate why other sources of support are inadequate, inappropriate or unavailable.

g. *Budget and Budget Narrative.* Provide a complete budget and budget narrative conforming to the requirements set forth in paragraph VII.D. Changes in the funding level requested should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered.

4. References to Previously Submitted Material

An application for a continuation grant should not repeat information contained in a previously approved application or other previously submitted materials, but should provide specific references to such materials where appropriate.

5. Submission Requirements, Review and Approval Process, and Notification of Decision

The submission requirements set forth in section VII.E., other than the deadline for mailing, apply to applications for a continuation grant. Such applications will be rated on the selection criteria set forth in section VIII.B. The key findings and recommendations resulting from an evaluation of the project and the proposed response to those findings and recommendations will also be considered. The review and approval process, return policy, and notification procedures are the same as those for new projects set forth in sections VIII.C.– VIII.E.

B. On-going Support Grants

1. Purpose and Scope

On-going support grants are intended to support projects that are national in scope and that provide the State courts with services, programs or products for which there is a continuing important need. An on-going support grant may also be used to fund longitudinal research that directly benefits the State courts. On-going support grants are subject to the limits on size and duration set forth in V.B.2 and V.C.2. A project is eligible for consideration for an on-going support grant if:

a. The project is supported by and has been evaluated under a grant from the Institute;

b. The project is national in scope and provides a significant benefit to the State courts;

c. There is a continuing important need for the services, programs or products provided by the project as indicated by the level of use and support by members of the court community;

d. The project is accomplishing its objectives in an effective and efficient manner; and

e. It is likely that the service or program provided by the project would be curtailed or significantly reduced without Institute support.

Each project supported by an on-going support grant must include an evaluation component assessing its effectiveness and operation throughout the grant period. The evaluation should be independent, but may be designed collaboratively by the evaluator and the grantee. The design should call for regular feedback from the evaluator to the grantee throughout the project period concerning recommendations for mid-course corrections or improvement of the project, as well as periodic reports to the Institute at relevant points in the project.

An interim evaluation report must be submitted 18 months into the grant period. The decision to obligate Institute funds to support the third year of the project will be based on the interim evaluation findings and the applicant's response to any deficiencies noted in the report.

A final evaluation assessing the effectiveness, operation of, and continuing need for the project must be submitted 90 days before the end of the three-year project period.

In addition, a detailed annual task schedule must be submitted not later than 45 days before the end of the first and second years of the grant period, along with an explanation of any necessary revisions in the projected costs for the remainder of the project period.

2. Application Procedures—Letters of Intent

The Board will consider awarding an on-going support grant for a period of up to 36 months. The total amount of the grant will be fixed at the time of the initial award.

Funds ordinarily will be made available in annual increments as specified in section V.B.2.

In lieu of a concept paper, a grantee seeking an on-going support grant must inform the Institute, by letter, of its intent to submit an application for such funding as soon as the need for renewal funding becomes apparent but no less than 120 days before the end of the current grant period. The letter of intent should be in the same format as that prescribed for continuation grants in section IX.A.2.a.

3. Application Procedures and Format

An application for an on-going support grant must include an application form, budget forms (with appropriate documentation), a project abstract conforming to the format set forth in section VII.B., a program narrative, a budget narrative, and certain certifications and assurances.

The program narrative should conform to the length and format requirements set forth in section VII.C. However, rather than the topics listed in section VII.C., the program narrative of applications for on-going support grants should address:

a. *Description of Need for and Benefits of the Project.* Provide a detailed discussion of the benefits provided by the project to the State courts around the country, including the degree to which State courts, State court judges, or State court managers and personnel are using the services or programs provided by the project.

b. *Demonstration of Court Support.* Demonstrate support for the continuation of the project from the courts community.

c. *Report on Current Project Activities.* Discuss the extent to which the project has met its goals and objectives, identify any activities that have not been completed, and explain why.

d. *Evaluation Findings.* Attach a copy of the final evaluation report regarding the effectiveness and operation of the project, specify the key findings or recommendations resulting from the evaluation, and explain how they will

be addressed during the proposed renewal period.

e. *Tasks, Methods, Staff and Grantee Capability.* Describe fully any changes in the tasks to be performed; the methods to be used; the products of the project; how and to whom those products will be disseminated; the assigned staff; and the grantee's organizational capacity.

f. *Task Schedule.* Present a general schedule for the full proposed project period and a detailed task schedule for the first year of the proposed new project period.

g. *Other Sources of Support.* Indicate why other sources of support are inadequate, inappropriate or unavailable.

h. *Budget and Budget Narrative.* Provide a complete three-year budget and budget narrative conforming to the requirements set forth in paragraph VII.D. Changes in the funding level requested should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered. A complete budget narrative should be provided for each year, or portion of a year, for which grant support is requested.

Changes in the funding level requested should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered. The budget should provide for realistic cost-of-living and staff salary increases over the course of the requested project period. Applicants should be aware that the Institute is unlikely to approve a supplemental budget increase for an on-going support grant in the absence of well-documented, unanticipated factors that clearly justify the requested increase.

4. References to Previously Submitted Material

An application for an on-going support grant should not repeat information contained in a previously approved application or other previously submitted materials, but should provide specific references to such materials where appropriate.

5. Submission Requirements, Review and Approval Process, and Notification of Decision

The submission requirements set forth in section VII.E., other than the deadline for mailing, apply to applications for an on-going support grant. Such applications will be rated on the selection criteria set forth in section VIII.B. The key findings and recommendations resulting from an evaluation of the project and the proposed response to those findings and recommendations will also be considered. The review and approval process, return policy, and notification procedures are the same as those for new projects set forth in sections VIII.C.–VIII.E.

X. Compliance Requirements

The State Justice Institute Act (Pub. L. 98–620, as amended) contains limitations and conditions on grants, contracts and cooperative agreements of which applicants and recipients should be aware. In addition to eligibility requirements which must be met to be considered for an award from the Institute, all applicants should be aware of and all recipients will be responsible for ensuring compliance with the following:

A. State and Local Court Systems

Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council. The latter shall receive, administer, and be accountable for all funds awarded to such courts. 42 U.S.C. 10705(b)(4). The Appendix to this guideline lists the agencies, councils and contact persons designated to administer Institute awards to the State and local courts.

B. Matching Requirements

1. All awards to courts or other units of State or local government (not including publicly supported institutions of higher education) require a match from private or public sources of not less than 50 percent of the total amount of the Institute's award. For example, if the total cost of a project is anticipated to be $150,000, a State court or executive branch agency may request up to $100,000 from the Institute to implement the project. The remaining $50,000 (50% of the $100,000 requested from SJI) must be provided as a match. A cash match, non-cash match, or both may be provided, but the Institute will give preference to those applicants who provide a cash match to the Institute's award. (For a further definition of match, see Section III.G.)

The requirement to provide match may be waived in exceptionally rare circumstances upon approval of the Chief Justice of the highest court in the State and a majority of the Board of Directors. 42 U.S.C. 10705(d) (as amended).

2. Other eligible recipients of Institute funds are not required to provide a match, but are encouraged to contribute to meeting the costs of the project. In instances where a cash match is proposed, the grantee is responsible for ensuring that the total amount proposed is actually contributed. If a proposed cash match contribution is not fully met, the Institute may reduce the award amount accordingly, in order to maintain the ratio originally provided for in the award agreement (see section VIII.B. above and XI.D).

C. Conflict of Interest

Personnel and other officials connected with Institute-funded programs shall adhere to the following requirements:

1. No official or employee of a recipient court or organization shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which Institute funds are used, where to his/her knowledge he/she or his/her immediate family, partners, organization other than a public agency in which he/she is serving as officer, director, trustee, partner, or employee or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment, has a financial interest.

2. In the use of Institute project funds, an official or employee of a recipient court or organization shall avoid any action which might result in or create the appearance of:

a. Using an official position for private gain; or

b. Affecting adversely the confidence of the public in the integrity of the Institute program.

3. Requests for proposals or invitations for bids issued by a recipient of Institute funds or a subgrantee or subcontractor will provide notice to prospective bidders that the contractors who develop or draft specifications, requirements, statements of work and/or requests for proposals for a proposed procurement will be excluded from bidding on or submitting a proposal to compete for the award of such procurement.

D. Lobbying

Funds awarded to recipients by the Institute shall not be used, indirectly or directly, to influence Executive orders or similar promulgations by Federal, State or local agencies, or to influence the passage or defeat of any legislation by Federal, State or local legislative bodies. 42 U.S.C. 10706(a).

It is the policy of the Board of Directors to award funds only to support

applications submitted by organizations that would carry out the objectives of their applications in an unbiased manner. Consistent with this policy and the provisions of 42 U.S.C. 10706, the Institute will not knowingly award a grant to an applicant that has, directly or through an entity that is part of the same organization as the applicant, advocated a position before Congress on the specific subject matter of the application.

E. Political Activities

No recipient shall contribute or make available Institute funds, program personnel or equipment to any political party or association, or the campaign of any candidate for public or party office. Recipients are also prohibited from using funds in advocating or opposing any ballot measure, initiative, or referendum. Finally, officers and employees of recipients shall not intentionally identify the Institute or recipients with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office. 42 U.S.C. 10706(a).

F. Advocacy

No funds made available by the Institute may be used to support or conduct training programs for the purpose of advocating particular nonjudicial public policies or encouraging nonjudicial political activities. 42 U.S.C. 10706(b).

G. Prohibition Against Litigation Support

No funds made available by the Institute may be used directly or indirectly to support legal assistance to parties in litigation, including cases involving capital punishment.

H. Supplantation and Construction

To ensure that funds are used to supplement and improve the operation of State courts, rather than to support basic court services, funds shall not be used for the following purposes:

1. To supplant State or local funds supporting a program or activity;
2. To construct court facilities or structures, except to remodel existing facilities or to demonstrate new architectural or technological techniques, or to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program; or
3. Solely to purchase equipment.

I. Confidentiality of Information

Except as provided by Federal law other than the State Justice Institute Act, no recipient of financial assistance from SJI may use or reveal any research or statistical information furnished under the Act by any person and identifiable to any specific private person for any purpose other than the purpose for which the information was obtained. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

J. Human Research Protection

All research involving human subjects shall be conducted with the informed consent of those subjects and in a manner that will ensure their privacy and freedom from risk or harm and the protection of persons who are not subjects of the research but would be affected by it, unless such procedures and safeguards would make the research impractical. In such instances, the Institute must approve procedures designed by the grantee to provide human subjects with relevant information about the research after their involvement and to minimize or eliminate risk or harm to those subjects due to their participation.

K. Nondiscrimination

No person may, on the basis of race, sex, national origin, disability, color, or creed be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by Institute funds. Recipients of Institute funds must immediately take any measures necessary to effectuate this provision.

L. Reporting Requirements

Recipients of Institute funds shall submit Quarterly Progress and Financial Reports within 30 days of the close of each calendar quarter (that is, no later than January 30, April 30, July 30, and October 30). Two copies of each report must be sent. The Quarterly Progress Reports shall include a narrative description of project activities during the calendar quarter, the relationship between those activities and the task schedule and objectives set forth in the approved application or an approved adjustment thereto, any significant problem areas that have developed and how they will be resolved, and the activities scheduled during the next reporting period.

The quarterly financial status report shall be submitted in accordance with section XI.G.2. of this guideline.

M. Audit

Each recipient must provide for an annual fiscal audit. (See section XI.J. of this guideline for the requirements of such audits.)

Accounting principles employed in recording transactions and preparing financial statements must be based upon generally accepted accounting principles (GAAP).

N. Suspension of Funding

After providing a recipient reasonable notice and opportunity to submit written documentation demonstrating why fund termination or suspension should not occur, the Institute may terminate or suspend funding of a project that fails to comply substantially with the Act, Institute guidelines, or the terms and conditions of the award. 42 U.S.C. 10708(a).

O. Title to Property

At the conclusion of the project, title to all expendable and nonexpendable personal property purchased with Institute funds shall vest in the recipient court, organization, or individual that purchased the property if certification is made to the Institute that the property will continue to be used for the authorized purposes of the Institute-funded project or other purposes consistent with the State Justice Institute Act, as approved by the Institute. If such certification is not made or the Institute disapproves such certification, title to all such property with an aggregate or individual value of $1,000 or more shall vest in the Institute, which will direct the disposition of the property.

P. Original Material

All products prepared as the result of Institute-supported projects must be originally-developed material unless otherwise specified in the award documents. Material not originally developed that is included in such products must be properly identified, whether the material is in a verbatim or extensive paraphrase format.

Q. Acknowledgment and Disclaimer

Recipients of Institute funds shall acknowledge prominently on all products developed with grant funds that support was received from the Institute. The "SJI" logo must appear on the front cover of a written product, or in the opening frames of a video product, unless another placement is approved in writing by the Institute.

Recipients also shall display the following disclaimer on all grant products:

"This (document, film, videotape, etc.) was developed under a (grant, cooperative agreement, contract) from the State Justice Institute. The points of view expressed are those of the (author(s), filmmaker(s), etc.) and do not necessarily represent the official position or policies of the State Justice Institute."

R. Institute Approval of Grant Products

No grant funds may be obligated for publication or reproduction of a final product developed with grant funds without the written approval of the Institute. Grantees shall submit a final draft of each such product to the Institute for review and approval prior to submitting that product for publication or reproduction.

S. Distribution of Grant Products to State Libraries

Grantees shall send one copy of each final product developed with grant funds to the library established in each State to collect materials prepared with Institute support. (A list of these libraries is contained in Appendix II).

T. Copyrights

Except as otherwise provided in the terms and conditions of an Institute award, a recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of an Institute-supported project, but the Institute shall reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the materials for purposes consistent with the State Justice Institute Act.

U. Inventions and Patents

If any patentable items, patent rights, processes, or inventions are produced in the course of Institute-sponsored work, such fact shall be promptly and fully reported to the Institute. Unless there is a prior agreement between the grantee and the Institute on disposition of such items, the Institute shall determine whether protection of the invention or discovery shall be sought. The Institute will also determine how the rights in the invention or discovery, including rights under any patent issued thereon, shall be allocated and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and statement of Government Patent Policy as printed in 36 FR 16889).

V. Charges for Grant-Related Products

When Institute funds fully cover the cost of developing, producing, and disseminating a product, e.g., a document or software, the product should be distributed to the field without charge. When Institute funds only partially cover the development, production, and dissemination costs, the grantee may recover its costs for reproducing and disseminating the material to those requesting it. See section XI.F. for requirements regarding project-related income.

W. Approval of Key Staff

If the qualifications of an employee or consultant assigned to a key project staff position are not described in the application or if there is a change of a person assigned to such a position, a recipient shall submit a description of the qualifications of the newly assigned person to the Institute. Prior written approval of the qualifications of the new person assigned to a key staff position must be received from the Institute before the salary or consulting fee of that person and associated costs may be paid or reimbursed from grant funds.

XI. Financial Requirements

A. Accounting Systems and Financial Records

All grantees, subgrantees, contractors and other organizations directly or indirectly receiving Institute funds are required to establish and maintain accounting systems and financial records to accurately account for funds they receive. These records shall include total program costs, including Institute funds, State and local matching shares, and any other fund sources included in the approved project budget.

1. Purpose

The purpose of this section is to establish accounting system requirements and to offer guidance on procedures which will assist all grantees/subgrantees in:

a. Complying with the statutory requirements for the awarding, disbursement, and accounting of funds;

b. Complying with regulatory requirements of the Institute for the financial management and disposition of funds;

c. Generating financial data which can be used in the planning, management and control of programs; and

d. Facilitating an effective audit of funded programs and projects.

2. References

Except where inconsistent with specific provisions of this Guideline, the following regulations, directives and reports are applicable to Institute grants and cooperative agreements. These materials supplement the requirements of this section for accounting systems and financial recordkeeping and provide additional guidance on how these requirements may be satisfied.

a. *Office of Management and Budget (OMB) Circular A-21,* Cost Principles for Educational Institutions.

b. *Office of Management and Budget (OMB) Circular A-87,* Cost Principles for State and Local Governments.

c. *Office of Management and Budget (OMB) Circular A-88 (revised),* Indirect Cost Rates, Audit and Audit Follow-up at Educational Institutions.

d. *Office of Management and Budget (OMB) Circular A-102,* Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

e. *Office of Management and Budget (OMB) Circular A-110,* Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations.

f. *Office of Management and Budget (OMB) Circular A-128,* Audits of State and Local Governments.

g. *Office of Management and Budget (OMB) Circular A-122,* Cost Principles for Non-profit Organizations.

B. Supervision and Monitoring Responsibilities

1. Grantee Responsibilities

All grantees receiving direct awards from the Institute are responsible for the management and fiscal control of all funds. Responsibilities include accounting for receipts and expenditures, maintaining adequate financial records and refunding expenditures disallowed by audits.

2. Responsibilities of State Supreme Court

Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council.

The State Supreme Court shall receive all Institute funds awarded to such courts and shall be responsible for assuring proper administration of Institute funds. The State Supreme Court is responsible for all aspects of the project, including proper accounting and financial recordkeeping by the subgrantee. The responsibilities include:

a. *Reviewing Financial Operations.* The State Supreme Court should be familiar with, and periodically monitor, its subgrantees' financial operations, records system and procedures. Particular attention should be directed to the maintenance of current financial data.

b. *Recording Financial Activities.* The subgrantee's grant award or contract obligation, as well as cash advances and other financial activities, should be recorded in the financial records of the State Supreme Court in summary form. Subgrantee expenditures should be recorded on the books of the State Supreme Court *or* evidenced by report forms duly filed by the subgrantee. Non-Institute contributions applied to projects by subgrantees should likewise be recorded, as should any project income resulting from program operations.

c. *Budgeting and Budget Review.* The State Supreme Court should ensure that each subgrantee prepares an adequate budget as the basis for its award commitment. The detail of each project budget should be maintained on file by the State Supreme Court.

d. *Accounting for Non-Institute Contributions.* The State Supreme Court will ensure, in those instances where subgrantees are required to furnish non-Institute matching funds, that the requirements and limitations of this guideline are applied to such funds.

e. *Audit Requirement.* The State Supreme Court is required to ensure that subgrantees have met the necessary audit requirements as set forth by the Institute (see sections X.J. and XI.J).

f. *Reporting Irregularities.* The State Supreme Court and its subgrantees are responsible for promptly reporting to the Institute the nature and circumstances surrounding any financial irregularities discovered.

C. Accounting System

The grantee is responsible for establishing and maintaining an adequate system of accounting and internal controls for itself and for ensuring that an adequate system exists for each of its subgrantees and contractors. An acceptable and adequate accounting system is considered to be one which:

1. Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure (including matching contributions and project income);

2. Assures that expended funds are applied to the appropriate budget category included within the approved grant;

3. Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes;

4. Provides cost and property controls to assure optimal use of grant funds;

5. Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational efficiency, and assure conformance with any general or special conditions of the grant;

6. Meets the prescribed requirements for periodic financial reporting of operations; and

7. Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

D. Total Cost Budgeting and Accounting

Accounting for all funds awarded by the Institute shall be structured and executed on a "total project cost" basis. That is, total project costs, including Institute funds, State and local matching shares, and any other fund sources included in the approved project budget shall be the foundation for fiscal administration and accounting. Grant applications and financial reports require budget and cost estimates on the basis of total costs.

1. Timing of Matching Contributions

Matching contributions need not be applied at the exact time of the obligation of Institute funds. However, the full matching share must be obligated by the end of the period for which the Institute funds have been made available for obligation under an approved project. Grantees that do not contemplate making matching contributions continuously throughout the course of a project or on a task-by-task basis, are required to submit a schedule within 30 days after the beginning of the project period indicating at what points during the project period the matching contributions will be made. In instances where a proposed cash match is not fully met, the Institute may reduce the award amount accordingly, in order to maintain the ratio originally provided for in the award agreement.

2. Records for Match

All grantees must maintain records which clearly show the source, amount, and timing of all matching contributions. In addition, if a project has included, within its approved budget, contributions which exceed the required matching portion, the grantee must maintain records of those contributions in the same manner as it does the Institute funds and required matching shares. For all grants made to State and local courts, the State Supreme Court has primary responsibility for grantee/subgrantee compliance with the requirements of this section. (See Section XI.B.2.)

E. Maintenance and Retention of Records

All financial records, supporting documents, statistical records and all other records pertinent to grants, subgrants, cooperative agreements or contracts under grants shall be retained by each organization participating in a project for at least three years for purposes of examination and audit. State Supreme Courts may impose record retention and maintenance requirements in addition to those prescribed in this chapter.

1. Coverage

The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records. Source documents include copies of all grant and subgrant awards, applications, and required grantee/subgrantee financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under a grant, subgrant or contract, whether they are employed full-time or part-time. Time and effort reports will be required for consultants.

2. Retention Period.

The three-year retention period starts from the date of the submission of the final expenditure report or, for grants which are renewed annually, from the date of submission of the annual expenditure report.

3. Maintenance

Grantees and subgrantees are expected to see that records of different fiscal years are separately identified and maintained so that requested information can be readily located. Grantees and subgrantees are also obligated to protect records adequately against fire or other damage. When records are stored away from the grantee's/subgrantee's principal office, a written index of the location of stored records should be on hand, and ready access should be assured.

4. Access

Grantees and subgrantees must give any authorized representative of the

Institute access to and the right to examine all records, books, papers, and documents related to an Institute grant.

F. Project-Related Income

Records of the receipt and disposition of project-related income must be maintained by the grantee in the same manner as required for the project funds that gave rise to the income. The policies governing the disposition of the various types of project-related income are listed below.

1. Interest

A State and any agency or instrumentality of a State including State institutions of higher education and State hospitals, shall not be held accountable for interest earned on advances of project funds. When funds are awarded to subgrantees through a State, the subgrantees are not held accountable for interest earned on advances of project funds. Local units of government and nonprofit organizations that are direct grantees must refund any interest earned. Grantees shall so order their affairs to ensure minimum balances in their respective grant cash accounts.

2. Royalties

The grantee/subgrantee may retain all royalties received from copyrights or other works developed under projects or from patents and inventions, unless the terms and conditions of the project provide otherwise.

3. Registration and Tuition Fees

Registration and tuition fees shall be used to pay project-related costs not covered by the grant, or to reduce the amount of grant funds needed to support the project. Registration and tuition fees may be used for other purposes only with the prior written approval of the Institute.

4. Other

Other project income shall be treated in accordance with disposition instructions set forth in the project's terms and conditions.

C. Payments and Financial Reporting Requirements

1. Payment of Grant Funds

The procedures and regulations set forth below are applicable to all Institute grant funds and grantees.

a. *Request for Advance or Reimbursement of Funds.* Grantees will receive funds on a "Check-Issued" basis. Upon receipt, review, and approval of a Request for Advance or Reimbursement by the Institute, a check will be issued directly to the grantee or its designated fiscal agent. A request must be limited to the grantee's immediate cash needs. The Request for Advance or Reimbursement, along with the instructions for its preparation, will be included in the official Institute award package.

b. *Termination of Advance and Reimbursement Funding.* When a grantee organization receiving cash advances from the Institute:

i. Demonstrates an unwillingness or inability to attain program or project goals, or to establish procedures that will minimize the time elapsing between cash advances and disbursements, or cannot adhere to guideline requirements or special conditions;

ii. Engages in the improper award and administration of subgrants or contracts; or

iii. Is unable to submit reliable and/or timely reports, the Institute may terminate advance financing and require the grantee organization to finance its operations with its own working capital. Payments to the grantee shall then be made by the use of the Institute check method to reimburse the grantee for actual cash disbursements. In the event the grantee continues to be deficient, the Institute reserves the right to suspend reimbursement payments until the deficiencies are corrected.

c. *Principle of Minimum Cash on Hand.* Recipient organizations should request funds based upon immediate disbursement requirements. Grantees should time their requests to ensure that cash on hand is the minimum needed for disbursements to be made immediately or within a few days. Idle funds in the hands of subgrantees will impair the goals of good cash management.

2. Financial Reporting

In order to obtain financial information concerning the use of funds, the Institute requires that grantees/subgrantees of these funds submit timely reports for review.

Two copies of the Financial Status Report are required from all grantees for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to Institute funds, State and local matching shares, and any other fund sources included in the approved project budget. The report contains information on obligations as well as outlays. A copy of the Financial Status Report, along with instructions for its preparation, will be included in the official Institute Award package. In circumstances where an organization requests substantial payments for a project prior to the completion of a given quarter, the Institute may request a brief summary of the amount requested, by object class, in support of the Request for Advance or Reimbursement.

3. Consequences of Non-Compliance with Submission Requirements

Failure of the grantee organization to submit required financial and program reports may result in a suspension of grant payments or revocation of the grant award.

H. Allowability of Costs

1. General

Except as may be otherwise provided in the conditions of a particular grant, cost allowability shall be determined in accordance with the principles set forth in OMB Circulars A-87, Cost Principles for State and Local Governments; A-21, Cost Principles Applicable to Grants and Contracts with Educational Institutions; and A-122, Cost Principles for Non-Profit Organizations. No costs may be recovered to liquidate obligations which are incurred after the approved grant period.

2. Costs Requiring Prior Approval

a. *Preagreement Costs.* The written prior approval of the Institute is required for costs which are considered necessary to the project but occur prior to the starting date of the grant period.

b. *Equipment.* Grant funds may be used to purchase or lease only that equipment which is essential to accomplishing the goals and objectives of the project. The written prior approval of the Institute is required when the amount of automated data processing (ADP) equipment to be purchased or leased exceeds $10,000 or the software to be purchased exceeds $3,000.

c. *Consultants.* The written prior approval of the Institute is required when the rate of compensation to be paid a consultant exceeds $300 a day.

3. Travel Costs

Transportation and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established written travel policy, then travel rates shall be consistent with those established by the Institute or the Federal Government. Institute funds shall not be used to cover the transportation or per diem costs of a member of a national organization to attend an annual or other regular meeting of that organization.

4. Indirect Costs

These are costs of an organization that are not readily assignable to a

particular project, but are necessary to the operation of the organization and the performance of the project. The cost of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect costs. It is the policy of the Institute that all costs should be budgeted directly; however, if a recipient has an indirect cost rate approved by a Federal agency as set forth below, the Institute will accept that rate.

a. *Approved Plan Available.* (i) The Institute will accept an indirect cost rate or allocation plan approved for a grantee during the preceding two years by any Federal granting agency on the basis of allocation methods substantially in accord with those set forth in the applicable cost circulars. A copy of the approved rate agreement must be submitted to the Institute.

(ii) Where flat rates are accepted in lieu of actual indirect costs, grantees may not also charge expenses normally included in overhead pools, e.g., accounting services, legal services, building occupancy and maintenance, etc., as direct costs.

(iii) Organizations with an approved indirect cost rate, utilizing total direct costs as the base, usually exclude contracts under grants from any overhead recovery. The negotiation agreement will stipulate that contracts are excluded from the base for overhead recovery.

b. *Establishment of Indirect Cost Rates.* In order to be reimbursed for indirect costs, a grantee or organization must first establish an appropriate indirect cost rate. To do this, the grantee must prepare an indirect cost rate proposal and submit it to the Institute. The proposal must be submitted in a timely manner (within three months after the start of the grant period) to assure recovery of the full amount of allowable indirect costs, and it must be developed in accordance with principles and procedures appropriate to the type of grantee institution involved.

c. *No Approved Plan.* If an indirect cost proposal for recovery of actual indirect costs is not submitted to the Institute within three months after the start of the grant period, indirect costs will be irrevocably disallowed for all months prior to the month that the indirect cost proposal is received. This policy is effective for all grant awards.

I. Procurement and Property Management Standards.

1. Procurement Standards

For State and local governments, the Institute is adopting the standards set forth in Attachment O of OMB Circular A–102. Institutions of higher education, hospitals, and other non-profit organizations will be governed by the standards set forth in Attachment O of OMB Circular A–110.

2. Property Management Standards. The property management standards as prescribed in Attachment N of OMB Circulars A–102 and A–110 shall be applicable to all grantees and subgrantees of Institute funds except as provided in section X.O.

All grantees/subgrantees are required to be prudent in the acquisition and management of property with grant funds. If suitable property required for the successful execution of projects is already available within the grantee or subgrantee organization, expenditures of grant funds for the acquisition of new property will be considered unnecessary.

J. Audit Requirements

1. Audit Objectives

Grants and other agreements are awarded subject to conditions of fiscal, program and general administration to which the recipient expressly agrees. Accordingly, the audit objective is to review the grantee's or subgrantee's administration of grant funds and required non-Institute contributions for the purpose of determining whether the recipient has:

a. Established an accounting system integrated with adequate internal fiscal and management controls to provide full accountability for revenues, expenditures, assets, and liabilities;

b. Prepared financial statements which are presented fairly, in accordance with generally accepted accounting principles;

c. Prepared Institute financial reports (including Financial Status Reports, Cash Reports, and Requests for Advances and Reimbursements) which contain accurate and reliable financial data, and are presented in accordance with prescribed procedures; and

d. Expended Institute funds in accordance with the terms of applicable agreements and those provisions of Federal law or Institute regulations that could have a material effect on the financial statements or on the awards tested.

2. Implementation

Each grantee (including a State or local court receiving a subgrant from the State Supreme Court) shall provide for an annual fiscal audit. The audit may be of the entire grantee organization (e.g., a university) or of the specific project funded by the Institute. The audit shall be conducted by an independent Certified Public Accountant, or a State or local agency authorized to audit government agencies. The audit shall be conducted in compliance with generally accepted auditing standards established by the American Institute of Certified Public Accountants. A written report shall be prepared upon completion of the audit. Grantees are responsible for submitting copies of the reports to the Institute within thirty days after the acceptance of the report by the grantee, for each year that there is financial activity involving Institute funds.

Grantees who receive funds from a Federal agency and who satisfy audit requirements of the cognizant Federal agency, should submit a copy of the audit report prepared for that Federal agency to the Institute in order to satisfy the provisions of this section. Cognizant Federal agencies do not send reports to the Institute. Therefore, each grantee must send this report directly to the Institute.

Audit reports from nonprofit organizations which do not receive Federal funds, and which decide to perform an audit of the entire organization, shall include a supplemental schedule depicting a project-by-project summary of Institute grant activity for the audit period. At a minimum, this summary should include the grant award number, project title, award amount, payments received, expenditures made and balances remaining. The auditors should also conduct adequate tests to ensure that the audit objectives listed in sections XI.J.1.c. and d. above have been satisfied.

3. Resolution and Clearance of Audit Reports

Timely action on recommendations by responsible management officials is an integral part of the effectiveness of an audit. Each grant recipient shall have policies and procedures for acting on audit recommendations by designating officials responsible for: Follow-up, maintaining a record of the actions taken on recommendations and time schedules, responding to and acting on audit recommendations, and submitting periodic reports to the Institute on recommendations and actions taken.

4. Consequences of Non-Resolution of Audit Issues

It is the general policy of the State Justice Institute not to make new grant awards to an applicant having an unresolved audit report involving Institute awards. Failure of the grantee organization to resolve audit questions

may also result in the suspension of payments for active Institute grants to that organization.

K. Close-Out of Grants

1. Definition

Close-out is a process by which the Institute determines that all applicable administrative and financial actions and all required work of the grant have been completed by both the grantee and the Institute.

2. Grantee Close-Out Requirements

Within 90 days after the end date of the grant or any approved extension thereof (revised end date), the following documents must be submitted by the grantee to the Institute.

a. *Financial Status Report.* The final report of expenditures must have no unliquidated obligations and must indicate the exact balance of unobligated funds. Any unobligated/unexpended funds will be deobligated from the award by the Institute. Final payment requests for obligations incurred during the award period must be submitted to the Institute prior to the end of the 90-day close-out period. Grantees on a check-issued basis, who have drawn down funds in excess of their obligations/expenditures, must return any unused funds as soon as it is determined that the funds are not required. In no case should any unused funds remain with the grantee beyond the submission date of the final financial status report.

b. *Final Progress Report.* This report should describe the project activities during the final calendar quarter of the project and the closeout period, including to whom project products have been disseminated; specify whether all the objectives set forth in the approved application or an approved adjustment thereto have been met; and, if any of the objectives have not been met explain the reasons therefor.

XII. Grant Adjustments

All requests for program or budget adjustments requiring Institute approval must be submitted in a timely manner by the project director. All requests for changes from the approved application will be carefully reviewed for both consistency with this guideline and the enhancement of grant goals and objectives.

A. Grant Adjustments Requiring Prior Written Approval

There are several types of grant adjustments which require the prior written approval of the Institute. Examples of these adjustments include:

1. Budget revisions among direct cost categories which, individually or in the aggregate, exceed or are expected to exceed 5 percent of the approved budget. For the purposes of this section, the Institute will view budget revisions cumulatively.

2. A change in the scope of work to be performed or the objectives of the project (see section XII.D.).

3. A change in the project site.

4. A change in the project period, such as an extension of the grant period and/or extension of the final financial or progress report deadline (see section XII.E.).

5. Satisfaction of special conditions, if required.

6. A change in or temporary absence of the project director (see sections XII.F. and G.).

7. The assignment of an employee or consultant to a key staff position whose qualifications were not described in the application, or a change of a person assigned to a key project staff position (see section X.Q.).

8. A successor in interest or name change agreements.

9. A transfer or contracting out of grant-supported activities (see section XII.H.).

10. A transfer of the grant to another recipient.

11. Preagreement costs, the purchase of automated data processing equipment and software, and consultant rates, as specified in section XI.H.2.

B. Request for Grant Adjustments

All grantees and subgrantees must promptly notify the SJI program managers, in writing, of events or proposed changes which may require an adjustment to the approved application. In requesting an adjustment, the grantee must set forth the reasons and basis for the proposed adjustment and any other information the SJI program managers determine would help the Institute's review.

C. Notification of Approval/Disapproval

If the request is approved, the grantee will be sent a Grant Adjustment signed by the Executive Director or his/her designee. If the request is denied, the grantee will be sent a written explanation of the reasons for the denial.

D. Changes in the Scope of the Grant

A grantee/subgrantee may make minor changes in methodology, approach, or other aspects of the grant to expedite achievement of the grant's objectives with subsequent notification of the SJI program manager. Major changes in scope, duration, training methodology, or other significant areas must be approved in advance by the Institute.

E. Date Changes

A request to change or extend the grant period must be made 30 days in advance of the end date of the grant. A request to change or extend the deadline for the final financial report or final progress report must be made 30 days in advance of the report deadline (see section XI.K.2.).

F. Temporary Absence of the Project Director

Whenever absence of the project director is expected to exceed a continuous period of one month, the plans for the conduct of the project director's duties during such absence must be approved in advance by the Institute. This information must be provided in a letter signed by an authorized representative of the grantee/subgrantee at least 30 days before the departure of the project director, or as soon as it is known that the project director will be absent. The grant may be terminated if arrangements are not approved in advance by the Institute.

G. Withdrawal of/Change in Project Director

If the project director relinquishes or expects to relinquish active direction of the project, the Institute must be notified immediately. In such cases, if the grantee/subgrantee wishes to terminate the project, the Institute will forward procedural instructions upon notification of such intent. If the grantee wishes to continue the project under the direction of another individual, a statement of the candidate's qualifications should be sent to the Institute for review and approval. The grant may be terminated if the qualifications of the proposed individual are not approved in advance by the Institute.

H. Transferring or Contracting Out of Grant-Supported Activities

A principal activity of the grant-supported project shall not be transferred or contracted out to another organization without specific prior approval by the Institute. All such arrangements should be formalized in a contract or other written agreement between the parties involved. Copies of the proposed contract or agreement must be submitted for prior approval at the earliest possible time. The contract or agreement must state, at a minimum, the activities to be performed, the time

schedule, the policies and procedures to be followed, the dollar limitation of the agreement, and the cost principles to be followed in determining what costs, both direct and indirect, are to be allowed. The contract or other written agreement must not affect the grantee's overall responsibility for the direction of the project and accountability to the Institute.

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David I. Tevelin, Executive Director (ex officio).

David I. Tevelin,

Executive Director.

Appendix I—List of State Contacts Regarding Administration of Institute Grants; to State and Local Courts

Hon. Leslie G. Johnson, Administrative Director, Administrative Office of the Courts, 817 South Court Street, Montgomery, Alabama 36130, (205) 834–7990.

Mr. Arthur H. Snowden II, Administrative Director, Alaska Court System, 303 K Street, Anchorage, Alaska 99501, (907) 264–0547.

Mr. William L. McDonald, Administrative Director, Supreme Court of Arizona, 1501 West Washington Street, suite 411, Phoenix, Arizona 85007–3330, (602) 255–4359.

Mr. James D. Gingerich, Executive Secretary, Arkansas Judicial Department, Justice Building, Little Rock, Arkansas 72201, (501) 371–2295.

Robert W. Page, Jr., Acting Administrator, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, California 94107, (415) 396–9100.

Mr. James D. Thomas, State Court Administrator, Colorado Judicial Department, 1301 Pennsylvania Street, suite 300, Denver, Colorado 80203–2416, (303) 861–1111, ext. 585.

Ms. Faith A. Mandell, Director, External Affairs, Office of the Chief Court Administrator, Drawer N, Station A, Hartford, Connecticut 06106, (203) 566–8210.

Mr. Lowell Groundland, Director, Administrative Office of the Courts, Carvel State Office Building, 820 N. French Street, Wilmington, Delaware 19801, (302) 571–2480.

Mr. Ulysses Hammond, Executive Officer, Courts of the District of Columbia, 500 Indiana Avenue, NW., Washington, DC 20001, (202) 879–1700.

Mr. Kenneth Palmer, State Courts Administrator, Florida State Courts System, Supreme Court Building, Tallahassee, Florida 32399–1900, (904) 488–8621.

Mr. Robert L. Doss, Jr., Administrative Director of the Courts, The Judicial Council of Georgia, 244 Washington Street, SW., suite 500, Atlanta, Georgia 30334, (404) 656–5171.

Mr. Perry C. Taitano, Administrative Director, Superior Court of Guam, Judiciary Building, 110 West O'Brien Drive, Agana, Guam 96920, 011 (671) 472–8961 through 8968.

Dr. Irwin I. Tanaka, Administrative Director of Courts, The Judiciary, Post Office Box 2560, Honolulu, Hawaii 96804, (808) 548–4605.

Mr. Carl F. Bianchi, Administrative Director of the Courts, Supreme Court Building, 451 West State Street, Boise, Idaho 83720, (208) 334–2246.

William M. Madden, Acting Director, Administrative Office of the Courts, 30 N. Michigan Avenue, suite 2017, Chicago, Illinois 60602, (312) 793–3250.

Mr. Bruce A. Kotzan, Executive Director, Supreme Court of Indiana, State House, room 323, Indianapolis, Indiana 46204, (317) 232–2542.

Mr. William J. O'Brien, State Court Administrator, Supreme Court of Iowa, State House, Des Moines, Iowa 50319, (515) 281–5241.

Dr. Howard P. Schwartz, Judicial Administrator, Kansas Judicial Center, 301 West 10th Street, Topeka, Kansas 66612, (923) 296–4873.

Ms. Laura Stammel, Assistant Director, Administrative Office of the Courts, 100 Mill Creek Park, Frankfort, Kentucky 40601, (502) 564–2350.

Dr. Hugh M. Collins, Judicial Administrator, Supreme Court of Louisiana, 301 Loyola Avenue, Room 109, New Orleans, Louisiana 70112–1887, (504) 568–5747.

Mr. Dana R. Baggett, State Court Administrator, Administrative Office of the Courts, P.O. Box 4820, Downtown Station, Portland, Maine 04112, (207) 879–4792.

Ms. Deborah A. Unitus, Assistant State Court Administrator, Technical and Information Services, Administrative Office of the Courts, P.O. Box 431, Annapolis, Maryland 21404, (301) 974–2353.

Honorable Arthur M. Mason, Chief Administrative Justice, The Trial Court, Commonwealth of Massachusetts, 317 New Courthouse, Boston, Massachusetts 02108, (617) 725–8787.

Marilyn K. Hall, State Court Administrator, Michigan Supreme Court, P.O. Box 30048, 611 West Ottawa Street, Lansing, Michigan 48909, (517) 373–0131.

Ms. Sue K. Dosal, State Court Administrator, Supreme Court of Minnesota, 230 State Capitol, St. Paul, Minnesota 55155, (617) 296–2474.

Ms. Krista Johns, Director, Center for Court Education and Continuing Studies, Box 879, Oxford, Mississippi 38677, (601) 232–5955.

Mr. Ron Larkin, Director of Operations, Office of the State Court Administrator, 1105 R Southwest Blvd, Jefferson City, Missouri 65109, (314) 751–3585.

Mr. R. James Oppedahl, State Court Administrator, Montana Supreme Court, Justice Building, Room 315, 215 North Sanders, Helena, Montana 59620–3001, (406) 444–2621.

Mr. Joseph C. Steele, State Court Administrator, Supreme Court of Nebraska, State Capitol Building, Room 1220, Lincoln, Nebraska 68509, (404) 471–2643.

Mr. Donald J. Mello, Court Administrator, Administrative Office of the Courts, Capitol Complex, Carson City, Nevada 89710, (702) 885–5076.

Mr. James F. Lynch, State Court Administrator, Supreme Court of New Hampshire, Frank Rowe Kenison Building, Concord, New Hampshire 03301, (603) 271–2419.

Mr. Robert Lipscher, Administrative Director, Administrative Office of the Courts, CN–037, RJH Justice Complex, Trenton, New Jersey 08625, (609) 984–0275.

Mr. Matthew T. Crosson, Chief Administrator of the Courts, Office of Court Administration, 270 Broadway, New York, New York 10007, (212) 587–2004.

Mr. Robert L. Lovato, State Court Administrator, Administrative Office of the Courts, Supreme Court of New Mexico, Supreme Court Building, Room 25, Sante Fe, New Mexico 87503, (505) 827–4800.

Mr. Franklin E. Freeman, Jr., Administrative Director, Administrative Office of the Courts, Post Office Box 2448, Raleigh, North Carolina 27602, (929) 733–7106/7107.

Mr. William G. Bohn, State Court Administrator, Supreme Court of North Dakota, State Capitol Building, Bismarck, North Dakota 58505, (701) 224–4216.

Mr. Stephan W. Stover, Administrative Director of the Courts, Supreme Court of Ohio, State Office Tower, 30 East Broad Street, Columbus, Ohio 43266–0419, (614) 466–2653.

Mr. Howard W. Conyers, Administrative Director, Administrative Office of the Courts, 1925 N. Stiles, suite 305, Oklahoma City, Oklahoma 73105, (405) 521–2450.

Mr. R. William Linden, Jr., State Court Administrator, Supreme Court of Oregon, Supreme Court Building, Salem, Oregon 97310, (503) 378–6046.

Mr. Thomas B. Darr, Director for Legislative Affairs, Communications and Administration, 5035 Ritter Road, Mechanicsburg, Pennsylvania 17055, (717) 795–2000.

Mr. Matthew J. Smith, State Court Administrator, Supreme Court of Rhode Island, 250 Benefit Street, Providence, Rhode Island 02903, (401) 277–3263 or 277–3272.

Mr. Louis L. Rosen, Director, South Carolina Court Administration, Post Office Box

50447, Columbia, South Carolina 29250, (803) 758–2961.

Robert A. Miller, Chief Justice, Supreme Court of South Dakota, 500 East Capitol Avenue, Pierre, South Dakota 57501, (605) 773–4885.

Mr. Cletus W. McWilliams, Executive Secretary, Supreme Court of Tennessee, Supreme Court Building, room 422, Nashville, Tennessee 37219, (615) 741–2687.

Mr. C. Raymond Judice, Administrative Director, Office of Court Administration of the Texas Judicial System, Post Office Box 12066, Austin, Texas 78711, (512) 463–1625.

William C. Vickrey, State Court Administrator, Administrative Office of the Courts, 230 South 500 East, Salt Lake City, Utah 84102, (801) 533–6371.

Mr. Thomas J. Lehner, Court Administrator, Supreme Court of Vermont, 111 State Street, Montpelier, Vermont 05602, (802) 828–3281.

Ms. Viola E. Smith, Clerk of the Court/ Administrator, Territorial Court of the Virgin Islands, Post Office Box 70, Charlotte Amalie, St. Thomas, Virgin Islands 00801, (809) 774–6680, ext. 248.

Mr. Robert N. Baldwin, Executive Secretary, Supreme Court of Virginia, Administrative Offices, 100 North Ninth Street, 3rd Floor, Richmond, Virginia 23219, (804) 786–6455.

Ms. Mary C. McQueen, Administrator for the Courts, Supreme Court of Washington, Highways-Licensing Building, 6th Floor, 12th & Washington, Olympia, Washington 98504, (206) 753–5780.

Mr. Ted J. Philyaw, Administrative Director of the Courts, Administrative Office, 402–E State Capitol, Charleston, West Virginia 25305, (304) 348–0145.

Mr. J. Denis Moran, Director of State Courts, Post Office Box 1688, Madison, Wisconsin 53701–1688, (608) 266–6828.

Mr. Robert L. Duncan, Court Coordinator, Supreme Court Building, Cheyenne, Wyoming 82002, (307) 777–7581.

Appendix II—SJI In-State Libraries Designated Sites and Contacts (August 1991)

State: Alabama.
Location: Supreme Court Library.
Contact: Mr. William C. Younger, State Law Librarian, Alabama Supreme Court Bldg., 445 Dexter Avenue, Montgomery, Alabama 36130, (205) 242–4347.

State: Alaska.
Location: Anchorage Law Library.
Contact: Ms. Cynthia S. Petumenos, State Law Librarian, Alaska Court Libraries, 303 K Street, Anchorage, Alaska 99501, (907) 264–0583.

State: Arizona.
Location: State Law Library.
Contact: Ms. Sharon Womack, Director, Department of Library & Archives, State Capitol, 1700 West Washington, Phoenix, Arizona 85007, (602) 542–4035.

State: Arkansas.
Location: Administrative Office of the Courts.
Contact: Mr. James D. Gingerich, Director, Supreme Court of Arkansas, Administrative Office of the Courts, Justice Building, 625 Marshall, Little Rock, Arkansas 72201–1078, (501) 376–6655.

State: California.
Location: Administrative Office of the Courts.
Contact: Robert W. Page, Jr., Acting Director, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, California 94107, (415) 396–9100.

State: Colorado.
Location: Supreme Court Library.
Contact: Ms. Frances Campbell, Supreme Court Law Librarian, Colorado State Judicial Building, 2 East 14th Avenue, Denver, Colorado 80203, (303) 837–3720.

State: Connecticut.
Location: State Library.
Contact: Mr. Richard Akeroyd, State Librarian, 231 Capital Avenue, Hartford, Connecticut 06106, (203) 566–4301.

State: Delaware.
Location: Administrative Office of the Courts.
Contact: Mr. Michael E. McLaughlin, Deputy Director, Administrative Office of the Courts, Carvel State Office Building, 820 North French Street, 11th Floor, P.O. Box 8911, Wilmington, Delaware 19801, (302) 571–2480.

State: District of Columbia.
Location: Executive Office, District of Columbia Courts.
Contact: Mr. Ulysses Hammond, Executive Officer, Courts of the District of Columbia, 500 Indiana Avenue, NW., Washington, DC 20001, (202) 879–1700.

State: Florida.
Location: Administrative Office of the Courts.
Contact: Mr. Kenneth Palmer, State Court Administrator, Florida State Courts System, Supreme Court Building, Tallahassee, Florida 32399–1900, (904) 488–8621.

State: Georgia.
Location: Administrative Office of the Courts.
Contact: Mr. Robert L. Doss, Jr., Director, Administrative Office of the Courts, The Judicial Council of Georgia, 244 Washington Street, SW., Suite 550, Atlanta, Georgia 30334, (404) 656–5171.

State: Hawaii.
Location: Supreme Court Library.
Contact: Ms. Ann Koto, Acting Law Librarian, Supreme Court Law Library, P.O. Box 2560, Honolulu, Hawaii 96804, (808) 548–4605.

State: Idaho.
Location: AOC Judicial Education Library/ State Law Library, Boise.
Contact: Mr. Carl F. Bianchi, Administrative Director of the Courts for the State of Idaho, Idaho Supreme Court, 451 West State Street, Boise, Idaho 83720, (208) 334–2246.

State: Indiana.
Location: Supreme Court Library.
Contact: Ms. Constance Matts, Supreme Court Librarian, Supreme Court Library, State House, Indianapolis, Indiana 46204, (317) 232–2557.

State: Iowa.
Location: Administrative Office of the Court.
Contact: Mr. Jerry K. Beatty, Executive Director, Judicial Education & Planning, Administrative Office of the Courts, State Capital Building, Des Moines, Iowa 50319, (515) 281–8279.

State: Kansas.
Location: Supreme Court Library.
Contact: Mr. Fred Knecht, Law Librarian, Kansas Supreme Court Library, 301 West 10th Street, Topeka, Kansas 66614, (913) 296–3257.

State: Kentucky.
Location: State Law Library.
Contact: Ms. Sallie Howard, State Law Librarian, State Law Library, State Capital, room 200–A, Frankfort, Kentucky 40601, (502) 564–4848.

State: Louisiana.
Location: State Law Library.
Contact: Ms. Carol Billings, Director, Louisiana Law Library, 301 Loyola Avenue, New Orleans, Louisiana 70112, (504) 568–5705.

State: Maine.
Location: State Law and Legislative Reference Library.
Contact: Ms. Lynn E. Randall, State Law Librarian, State House Station 43, Augusta, Maine 04333, (207) 289–1600.

State: Maryland.
Location: State Law Library.
Contact: Mr. Michael S. Miller, Director, Maryland State Law Library, Court of Appeal Building, 361 Rowe Blvd., Annapolis, Maryland 21401, (301) 974–3395.

State: Massachusetts.
Location: Middlesex Law Library.
Contact: Ms. Sandra Lindheimer, Librarian, Middlesex Law Library, Superior Court House, 40 Thorndike Street, Cambridge, Massachusetts 02141, (617) 494–4148.

State: Michigan.
Location: Michigan Judicial Institute.
Contact: Mr. Dennis W. Catlin, Executive Director, Michigan Judicial Institute, 222 Washington Square North, P.O. Box 30205, Lansing, Michigan 48909, (517) 334–7804.

State: Minnesota.
Location: State Law Library (Minnesota Judicial Center).
Contact: Mr. Marvin R. Anderson, State Law Librarian, Supreme Court of Minnesota, 25 Constitution Avenue, St. Paul, Minnesota 55155, (612) 297–2084.

State: Mississippi.
Location: Mississippi Judicial College.
Contact: Ms. Krista Johns, Director, Mississippi Judicial College, 6th Floor, 3825 Ridgewood, Jackson, Mississippi 39211, (601) 982–6590.

State: Montana.
Location: State Law Library.
Contact: Ms. Judith Meadows, State Law Librarian, State Law Library of Montana, Justice Building, 215 North Sanders, Helena, Montana 59620, (406) 444–3660.

State: National.
Location: JERITT Project/Michigan State University.
Contact: Dr. John K. Hudzik, Project Director, Judicial Education Reference, Information and Technical Transfer Project (JERITT), Michigan State University, 560 Baker Hall, East Lansing, Michigan 48824.

State: Nebraska.
Location: Administrative Office of the Courts.

Contact: Mr. Joseph C. Steele, State Court Administrator, Supreme Court of Nebraska, Administrative Office of the Courts, P.O. Box 98910, Lincoln, Nebraska 68509–8910, (402) 471–3730.

State: Nevada.
Location: National Judicial College.
Contact: Dean V. Robert Payant, National Judicial College, Judicial College Building, University of Nevada, Reno, Nevada 89550, (702) 784–6747.

State: New Jersey.
Location: New Jersey State Library.
Contact: Mr. Robert L. Bland, Law Coordinator, State of New Jersey, Department of Education, State Library, 185 West State Street, CN520, Trenton, New Jersey 08625, (609) 292–6230.

State: New Mexico.
Location: Supreme Court Library.
Contact: Mr. Thaddeus Bejnar, Librarian, Supreme Court Library, Post Office Drawer L, Santa Fe, New Mexico 87504, (505) 827–4850.

State: New York.
Location: Supreme Court Library.
Contact: Ms. Susan M. Wood, Esq., Principal Law Librarian, New York State Supreme Court Law Library, Onondaga County Court House, Syracuse, New York 13202, (315) 435–2063.

State: North Carolina.
Location: Supreme Court Library.
Contact: Ms. Louise Stafford, Librarian, North Carolina Supreme Court Library, P.O. Box 28006, (by courier) 500 Justice Building, 2 East Morgan Street, Raleigh, North Carolina 27601, (919) 733–3425.

State: North Dakota.
Location: Supreme Court Library.
Contact: Ms. Marcella Kramer, Assistant Law Librarian, Supreme Court Law Library, 600 East Boulevard Avenue, 2nd Floor, Judicial Wing, Bismarck, North Dakota 58505–0530, (701) 224–2229.

State: Northern Mariana Isl.
Location: Supreme Court of the Northern Mariana Islands.
Contact: Honorable Jose S. Dela Cruz, Chief Justice, Supreme Court of the Northern Mariana Islands, P.O. Box 2165, Saipan, MP 96950, (670) 234–5275.

State: Ohio.
Location: Supreme Court Library.
Contact: Mr. Paul S. Fu, Law Librarian, Supreme Court Law Library, Supreme Court of Ohio, 30 East Broad Street, Columbus, Ohio 43266–0419, (614) 466–2044.

State: Oklahoma.
Location: Administrative Office of the Courts.
Contact: Mr. Howard W. Conyers, Director, Administrative Office of the Courts, 1915 North Stiles, Suite 305, Oklahoma City, Oklahoma 73105, (405) 521–2450.

State: Oregon.
Location: Administrative Office of the Courts.
Contact: Mr. R. William Linden, Jr., State Court Administrator, Supreme Court of Oregon, Supreme Court Building, Salem, Oregon 97310, (503) 378–6046.

State: Pennsylvania.
Location: State Library of Pennsylvania.
Contact: Ms. Betty Lutz, Head, Acquisitions Section, State Library of Pennsylvania, Technical Services, G46 Forum Building, Harrisburg, Pennsylvania 17105, (717) 787–4440.

State: Puerto Rico.
Location: Office of Court Administration.
Contact: Mr. Alfreado Rivera-Mendoza, Esq., Director, Area of Planning and Management, Office of Court Administration, P.O. Box 917, Hato Rey, Puerto Rico 00919.

State: Rhode Island.
Location: State Law Library.
Contact: Mr. Kendall F. Svengalis, Law Librarian, Licht Judicial Complex, 250 Benefit Street, Providence, Rhode Island 02903, (401) 277–3275.

State: South Carolina.
Location: Coleman Karesh Law Library (University of South Carolina School of Law).
Contact: Mr. Bruce S. Johnson, Law Librarian, Associate Professor of Law, Coleman Karesh Law Library, U.S.C. Law Center, University of South Carolina, Columbia, South Carolina 29208, (803) 777–5944.

State: Tennessee.
Location: Tennessee State Law Library.
Contact: Ms. Donna C. Wair, Librarian, Tennessee State Law Library, Supreme Court Building, 401 Seventh Avenue N, Nashville, Tennessee 37243–0609, (615) 741–2016.

State: Texas.
Location: State Law Library.
Contact: Ms. Kay Schleuter, Director, State Law Library, P.O. Box 12367, Austin, Texas 78711, (512) 463–1722.

State: U.S. Virgin Islands.
Location: Library of the Territorial Court, of the Virgin Islands (St. Thomas).
Contact: Librarian, The Library, Territorial Court of the Virgin Islands, Post Office Box 70, Charlotte Amalie, St. Thomas, U.S. Virgin Islands 00804.

State: Utah.
Location: Utah State Judicial Administration Library.
Contact: Mr. Eric Leeson, Librarian, Utah State Judicial Administration Library, 230 South 500 East, Suite 300, Salt Lake City, Utah 84102, (801) 533–6371.

State: Vermont.
Location: Supreme Court of Vermont.
Contact: Mr. Thomas J. Lehner, Court Administrator, Supreme Court of Vermont, 111 State Street, c/o Pavilion Office Building, Montpelier, Vermont 05602, (802) 828–3278.

State: Virginia.
Location: Administrative Office of the Courts.
Contact: Mr. Robert N. Baldwin, Executive Secretary, Supreme Court of Virginia, Administrative Offices, 100 North Ninth Street, Third Floor, Richmond, Virginia 23219, (804) 786–6455.

State: Washington.
Location: Washington State Law Library.
Contact: Ms. Deborah Norwood, State Law Librarian, Washington State Law Library, Temple of Justice, Mail Stop AV–02, Olympia, Washington 98504–0502, (206) 357–2146.

State: West Virginia.
Location: Administrative Office of the Courts.
Contact: Mr. Richard H. Rosswurm, Deputy Administrative Director for Judicial Education, West Virginia Supreme Court of Appeals, State Capitol, Capitol E–400, Charleston, West Virginia 25305, (304) 348–0145.

State: Wisconsin.
Location: State Law Library.
Contact: Ms. Marcia Koslov, State Law Librarian, State Law Library, 310E State Capitol, P.O. Box 7881, Madison, Wisconsin 53707, (608) 266–1424.

State: Wyoming.
Location: Wyoming State Law Library.
Contact: Ms. Kathy Carlson, Law Librarian, Wyoming State Law Library, Supreme Court Building, Cheyenne, Wyoming 82002, (307) 777–7509.

Appendix III—State Justice Institute, Judicial Education Scholarship, Application

1. Applicant
   a. Name _____
   b. Title _____
   c. Years of Service as a Judge _____
   d. Anticipated Future Years of Service as a Judge _____
2. Address
   a. Street/P.O. Box _____
   b. City _____
   State _____
   Zip _____
   c. Telephone Number:
   (O) _____ (H) _____
3. Type of Court: (Circle appropriate letter)
   a. Court of Last Resort
   b. Intermediate Appellate Court
   c. General Jurisdiction Trial Court
   d. Limited Jurisdiction Trial Court
   e. Other (Specify) _____
4. Educational Program for Which Funds are Being Requested
   a. Title _____
   b. Location/Date _____
   c. Sponsoring Organization _____
   d. Address _____
   e. City _____
   State _____
   Zip _____
5. Recent Judicial Education: Please list the non-mandatory judicial education programs you have attended as a participant (denote with a P) or as faculty (denote with an F) in the past three years. (You may attach additional pages if necessary.)

Program

_____
_____

Sponsor

_____
_____

Month/Year _____

6. Estimated Expenses
   a. Tuition & Fees _____
   b. Fare/Mileage _____
   c. Ground Transportation _____
   d. Meals _____
   e. Lodging _____
   f. Books _____
   g. Supplies _____
   h. Other _____

Total Estimated Expenses $ _____
Total Amount Requested $ _____

(Amount requested may not exceed 75% of total estimated expenses)

7. Please attach a brief statement describing:

a. Whether there are educational programs in your State on this subject and, if so, why you wish to attend the out-of-State program.

b. Why this scholarship is needed and whether funds have been sought from State and local sources.

c. How attending this program would enhance your judicial career and your future service on the bench.

8. Please attach a current resume or professional summary.

Statement of Applicant's Commitment

If a scholarship is awarded, I will submit an evaluation of the educational program to the State Justice Institute and to the Chief Justice of my State.

Signature _____

Date _____

State Justice Institute, Judicial Education Scholarship Application, Certificate of Concurrence

I, _____

Name of Chief Justice (or Chief Justice's Designee)

have reviewed the application for a scholarship to attend the program entitled _____

prepared by _____

Name of Applicant

and concur in its submission to the State Justice Institute. I certify that the applicant's participation in the program would benefit the State, that the applicant's absence to attend the program would not present an undue hardship to the court, and that receipt of a scholarship would not diminish the amount of funds made available by the State for judicial education.

Signature _____

Name _____

Title _____

Date _____

Appendix IV—State Justice Institute Concept Paper Preliminary Budget

Personnel $ _____

Fringe Benefits $ _____

Consultant/Contractual $ _____

Travel $ _____

Equipment $ _____

Supplies $ _____

Telephone $ _____

Postage $ _____

Printing/Photocopying $ _____

Audit $ _____

Other $ _____

Indirect Costs (%) $ _____

Project Total $ _____

Cash Match $ _____

In-Kind Match $ _____

Amount Requested From SJI $ _____

Financial assistance has been or will be sought for this project from the following other sources:

_____

_____

[FR Doc. 91-20817 Filed 8-30-91; 8:45 am]

BILLING CODE 6820-SC-M

federal register

Tuesday
September 3, 1991

Part III

Environmental Protection Agency

40 CFR Parts 80, 86, and 600

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 80, 86, and 600

[FRL-3992-2]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Refueling Emission Regulations for Gasoline-Fueled Light-Duty Vehicles and Trucks and Heavy-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing and report availability.

SUMMARY: This notice announces the availability of a Department of Transportation (DOT) study on the safety of onboard refueling vapor recovery systems and the time and place for a public hearing concerning the safety issues associated with onboard refueling control systems. This notice seeks comment on the DOT safety study and provides opportunity for comment on any issues related to this rulemaking.

DATES: The public hearing will be held on September 26, 1991. It will start at 9 a.m. and will continue throughout the day as long as necessary to complete testimony. Comments will be accepted until 30 days after the hearing.

ADDRESSES: The public hearing will be held at the Royce Hotel (formerly the Airport Hilton), 31500 Wickham Road, Romulus, Michigan 48174 (telephone: 313–292–3400). Interested parties may submit written comments (in duplicate if possible) to Public Docket No. A–87–11, at: Air Docket Section (LE–131), U.S. Environmental Protection Agency, Attention: Docket No. A–87–11, 401 M Street SW., Washington, DC 20460.

A court reporter will be present at the hearing to make a written transcript of the proceedings and a copy will be placed in the docket. Anyone desiring to purchase a copy of the transcript should make individual arrangements with the court reporter at the time of the hearing.

FOR FURTHER INFORMATION CONTACT: Mr. Don Kopinski, Standards Development and Support Branch, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105. Telephone: (313) 668–4229.

SUPPLEMENTARY INFORMATION:

I. Background

On August 19, 1987 EPA published in the **Federal Register** a notice of proposed rulemaking (NPRM) for the control of vehicle refueling emissions (52 FR 31162). This proposal was the culmination of an EPA study on gasoline marketing emissions, which assessed the need for control of refueling emissions and the relative merits of the two technologies available to achieve this control, namely, controls incorporated into the design of the vehicle (known as onboard) and controls at the gasoline dispensing pump (known as Stage II) (see Public Docket A–84–07).

At the time the proposal was published, EPA also released several important regulatory support documents. These included a response to comments received on the above-mentioned gasoline marketing study, a draft Regulatory Impact Analysis, and technical support documents related to onboard safety and the certification test procedure. These and other related documents are available in Public Docket A–87–11.

Subsequent to publication of the proposal, a public hearing was held in October 1987, followed by an extensive public comment period which closed in February 1988. EPA analyzed the key issues identified by commenters and determined that a final rule should be delayed based on safety concerns raised by commenters. Further delay occurred when it became evident that Congress would include provisions regarding the control of refueling emissions in the amendments to the Clean Air Act.

The legislative process resulted in an amendment, by Congress, for onboard technology under section 202(a)(6). Section 202(a)(6) requires that: "Within 1 year after the date of the enactment of the Clean Air Act Amendments of 1990, the Administrator shall, after consultation with the Secretary of Transportation regarding the safety of vehicle-based ('onboard') systems for the control of vehicle refueling emissions, promulgate standards under this section requiring that new light-duty vehicles manufactured beginning in the fourth model year after the model year in which the standards are promulgated and thereafter shall be equipped with such systems." Safety considerations are addressed under section 202(a)(4) which states:

"(A) * * * no emission control device, system, or element of design shall be used in a new motor vehicle or new motor vehicle engine for purposes of complying with requirements prescribed under this title if such device, system, or element of design will cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function.

(B) In determining whether an unreasonable risk exists under subparagraph (A), the Administrator shall consider, among other factors, (i) whether and to what extent the use of any device, system, or element of design causes, increases, reduces, or eliminates emissions of any unregulated pollutants; (ii) available methods for reducing or eliminating any risk to public health, welfare, or safety which may be associated with the use of such device, system, or element of design, and (iii) the availability of other devices, systems, or elements of design which may be used to conform to requirements prescribed under this title without causing or contributing to such unreasonable risk. The Administrator shall include in the consideration required by this paragraph all relevant information developed pursuant to section to section 214."

The Clean Air Act Amendments of 1990 also require Stage II controls in certain nonattainment areas and EPA is developing this program separately.

EPA is continuing its consultation with DOT regarding safety. In July, 1991, the National Highway Traffic Safety Administration (NHTSA), which is part of DOT, completed an updated study on the safety of onboard vapor recovery systems. A copy of this report, entitled "An Assessment of the Safety of Onboard Refueling Vapor Recovery Systems," has been placed in the public docket for this rulemaking. EPA strongly encourages review and comment on the content and findings of the DOT study. In light of this new information, EPA requests comment on the rulemaking course that the Agency should take.

It should also be noted that since the close of the comment period on the NPRM, a number of other materials have been submitted to the docket which relate to the safety issue. Included is EPA's safety analyses entitled "Summary and Analysis of Comments Regarding the Potential Safety Implications of Onboard Vapor Recovery Systems." Also included is technical information which relates to safety concerns raised by DOT and others, and documents discussing onboard-equipped vehicles. EPA encourages interested parties to review and comment on these materials as well.

The public is also welcome to comment on other matters related to the NPRM. The public docket A–87–11 contains a number of materials on issues other than safety, including a document entitled "Summary of Changed Circumstances" which discusses statutory changes, technology development, and potential modifications to the refueling test procedure.

II. Public Participation

A. Comments and the Public Docket

As in past rulemaking actions, EPA strongly encourages full public participation in the development and assessment of information that will be used in the rulemaking. EPA also encourages those who are interested in the rule to thoroughly review the public docket for relevant materials. For those submitting comments, whenever applicable, full supporting rationale, data and detailed analyses should be submitted to allow EPA to make maximum use of the comments. All comments should be directed to the EPA Air Docket Section, Docket No. A–87–11 (see "**ADDRESSES**"). Comments will be accepted for 30 days after the public hearing.

B. Public Hearing

Any person desiring to present testimony at the public hearing (see "**DATES**") should notify the contact person listed above of such intent at least seven days prior to the day of the hearing. The contact person should also be provided an estimate of the time required for the presentation of the testimony and notification of any need for audio/visual equipment. A sign-up sheet will be available at the registration table the morning of the hearing for scheduling the order of testimony. Due to the anticipated high level of interest in this issue, EPA may limit the time of each testimony in order to allow all parties to testify.

It is suggested that sufficient copies of the statement or material to be presented be brought to the hearing for distribution to the audience. In addition, it will be helpful for EPA to receive an advance copy of any statement or material to be presented at the hearing prior to the scheduled hearing date, in order for EPA staff to give such material full consideration. Such advance copies should be submitted to the contact person listed above.

The official record of the hearing will be kept open for 30 days following the hearing to allow submission of rebuttal and supplementary testimony.

Due to the significance of the vehicle safety issue in this rulemaking and the importance of the consultation process called for in section 202(a)(6) of the Clean Air Act, DOT will be a participant on the hearing panel. Mr. Richard D. Wilson, Director of the Office of Mobile Sources, is hereby designated presiding officer of the hearing. The hearing will be conducted informally, and technical rules of evidence will not apply. Written transcripts of the hearing will be made.

Dated: August 27, 1991.

Jerry Kurtzweg,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 91–20988 Filed 8–30–91; 8:45 am]

BILLING CODE 6560–50–M

federal register

Tuesday
September 3, 1991

Part IV

Department of Health and Human Services

National Institutes of Health

Recombinant DNA: Meeting of the Advisory Committee; Proposed Actions Under the Research Guidelines; Notices

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Advisory Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee on October 7-8, 1991. The meeting will be held at the National Institutes of Health (NIH), Building 31C, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20892, starting at approximately 9 a.m. on October 7 to adjournment at approximately 5 p.m. on October 8. The meeting will be open to the public to discuss the following proposed actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules (51 FR 16958):

Proposed Major Actions to the NIH Guidelines;

Four additions to Appendix D of the NIH Guidelines Regarding Human Gene Transfer Protocols;

Amend Appendices B-I-B-1 and B-I-B-2 of the NIH Guidelines to include only pathogenic genera and species of the bacterial order, Actinomycetales, in the current list of microorganisms.

Other Matters To Be Considered by the Committee

Attendance by the public will be limited to space available. Members of the public wishing to speak at this meeting may be given such opportunity at the discretion of the Chair.

Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities, National Institutes of Health, Building 31, room 4B11, Bethesda, Maryland 20892, Phone (301) 496-9838, FAX (301) 496-9839, will provide materials to be discussed at this meeting, roster of committee members, and substantive program information. A summary of the meeting will be available at a later date.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Dated: August 27, 1991.

Jeanne N. Ketley,

Acting Committee Management Officer, NIH.

[FR Doc. 91-21057 Filed 8-30-91; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Recombinant DNA Research: Proposed Actions Under the Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of proposed actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules (51 FR 16958).

SUMMARY: This notice sets forth proposed actions to be taken under the National Institutes of Health (NIH) Guidelines for Research Involving Recombinant DNA Molecules. Interested parties are invited to submit comments concerning these proposals. These proposals will be considered by the Recombinant DNA Advisory Committee (RAC) at its meeting on October 7-8, 1991. After consideration of these proposals and comments by the RAC, the Director of the National Institutes of Health will issue decisions in accordance with the NIH Guidelines.

DATES: Comments received by September 25, 1991, will be reproduced and distributed to the RAC for consideration at its October 7-8, 1991, meeting.

ADDRESSES: Written comments and recommendations should be submitted to Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities, Building 31, room 4B11, National Institutes of Health, Bethesda, Maryland 20892, or sent by fax to 301-496-9839.

All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Background documentation and additional information can be obtained from the Office of Recombinant DNA Activities, Building 31, room 4B11, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-9838.

SUPPLEMENTARY INFORMATION: The NIH will consider the following actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules:

I. Addition to Appendix D of the "NIH Guidelines" Regarding a Human Gene Therapy Protocol/Dr. Freeman

In a letter dated May 10, 1990, Dr. Scott M. Freeman of the University of Rochester School of Medicine indicated his intention to submit a human gene therapy protocol to the Human Gene Therapy Subcommittee and the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: "Gene Transfer for the Treatment of Cancer."

The protocol was reviewed during the Human Gene Therapy Subcommittee meeting on July 29-30, 1991. Provisional approval was given with the stipulation that the PA-1 ovarian cancer cell line be tested for potential pathogens as per FDA guidelines. Further, it was requested that there should be more preclinical studies on the MFG vector to assure that it does not contain replication competent retroviruses.

The Human Gene Therapy Subcommittee forwarded the protocol to the Recombinant DNA Advisory Committee for consideration during the October 7-8, 1991, meeting.

II. Additions to Appendix D of the "NIH Guidelines" Regarding Human Gene Therapy Protocols/Dr. Rosenberg

In a letter dated June 6, 1991, Dr. Steven A. Rosenberg of the National Institutes of Health indicated his intention to submit two human gene therapy protocols to the Human Gene Therapy Subcommittee and the Recombinant DNA Advisory Committee for formal review and approval.

The first protocol is entitled: "Immunization of Cancer Patients Using Autologous Cancer Cells Modified by Insertion of the Gene for Tumor Necrosis Factor."

The second protocol is entitled: "Immunization of Cancer Patients Using Autologous Cancer Cells Modified by Insertion of the Gene for Interleukin-2."

The protocol was reviewed during the Human Gene Therapy Subcommittee (HGTS) meeting on July 29-30, 1991. Provisional approval was granted with the following stipulations. Although the NIH Institutional Biosafety Committee

had requested a preliminary experiment using tumor cells that were not gene-modified, the HGTS requested that only tumor cells transduced with the cytokine genes be used in these protocols. Further, the Principal Investigator was requested to report his results after the first five patients have been studied; he was asked to measure the rate of cell growth at the injection site, and to do a polymerase chain reaction assay for cytokine DNA in the inguinal lymph nodes and in tumor biopsies at other sites in the body.

The HGTS forwarded the protocol to the Recombinant DNA Advisory Committee for consideration during the October 7–8, 1991, meeting.

III. Addition to Appendix D of the "NIH Guidelines" Regarding a Human Gene Therapy Protocol/Dr. Wilson

In a letter dated June 7, 1991, Dr. James M. Wilson of the University of Michigan Medical Center indicated his intention to submit a human gene therapy protocol to the Human Gene Therapy Subcommittee and the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: "Gene Therapy of Familial Hypercholesterolemia."

The protocol was reviewed during the Human Gene Therapy Subcommittee meeting on July 29–30, 1991. Provisional approval was granted with the following stipulations. It was requested that the Principal Investigator provide additional data about the quality control of the vector system and the characteristics of the packaging cell line. In addition, the consent form is to be reviewed following several requested changes.

The Human Gene Therapy Subcommittee forwarded the protocol to the Recombinant DNA Advisory Committee for consideration during the October 7–8, 1991, meeting.

IV. Amend Appendices B–I–B–1 and B–I–B–2 and the "NIH Guidelines" regarding the Bacterial Order, "Actinomycetales"

In a written request dated April 15, 1991, Dr. Diane O. Fleming of Merck & Co., Inc., requested that only pathogenic genera and species of the bacterial order, *Actinomycetales,* be included in Appendix B–I–B–1 of the NIH Guidelines.

It was proposed that the following pathogens be included under Bacterial Agents in Appendix B–I–B–1 of the NIH Guidelines as follows:

Actinomadura madurae
Actinomadura pelletieri
Actinomyces bovis
Actinomyces israelii
Nocardia asteroides
Nocardia brasiliensis

In Appendix B–I–B–2, the entry under *Actinomycetes* would be deleted.

This request was reviewed at the Recombinant DNA Advisory Committee meeting on May 30–31, 1991. Following a discussion there was agreement that the *Actinomyces* should be reclassified as bacteria and removed from the list of fungi. However, there was disagreement about the number of species to be listed as pathogens. The number was thought to be considerably larger than the six species proposed for inclusion. Dr. Fleming was asked to consult with leading experts in the field and return with a revised list of pathogens, which will be reviewed at the Recombinant DNA Advisory Committee meeting on October 7–8, 1991.

V. Discussion of Future Role of Human Gene Therapy Subcommittee

At its meeting on July 29–30, 1991, the Human Gene Therapy Subcommittee held a discussion about ways to shorten the review process for human gene therapy protocols. It was suggested by some members that consideration be given to merging the Human Gene Therapy Subcommittee and the Recombinant DNA Advisory Committee with the idea that the present system creates an unnecessary double hurdle. The Recombinant DNA Advisory Committee will consider the issues raised at the most recent Human Gene Therapy Subcommittee meeting.

VI. Other Matters To Be Considered by the Committee

Attendance by the public will be limited to space available. Members of the public wishing to speak at this meeting may be given such opportunity at the discretion of the Chair.

Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities, National Institutes of Health, Building 31, room 4B11, Bethesda, Maryland 20892, Phone (301) 496–9838, FAX (301) 496–9839, will provide materials to be discussed at this meeting, roster of committee members, and substantive program information. A summary of the meeting will be available at a later date.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcement" (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Dated: August 23, 1991.

Kurt Habel,

Acting Associate Director for Science Policy and Legislation, NIH.

[FR Doc. 91–21058 Filed 8–30–91; 8:45 am]

BILLING CODE 4140–01–M

Reader Aids

Federal Register
Vol. 56, No. 170
Tuesday, September 3, 1991

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FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List August 22, 1991

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $620.00 domestic, $155.00 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$12.00	Jan. 1, 1991
3 (1990 Compilation and Parts 100 and 101)	14.00	[1] Jan. 1, 1991
4	15.00	Jan. 1, 1991
5 Parts:		
1-699	17.00	Jan. 1, 1991
700-1199	13.00	Jan. 1, 1991
1200-End, 6 (6 Reserved)	18.00	Jan. 1, 1991
7 Parts:		
0-26	15.00	Jan. 1, 1991
27-45	12.00	Jan. 1, 1991
46-51	17.00	Jan. 1, 1991
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53-209	18.00	Jan. 1, 1991
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2000-End	10.00	Jan. 1, 1991
8	14.00	Jan. 1, 1991
9 Parts:		
1-199	21.00	Jan. 1, 1991
200-End	18.00	Jan. 1, 1991
10 Parts:		
0-50	21.00	Jan. 1, 1991
51-199	17.00	Jan. 1, 1991
200-399	13.00	[4] Jan. 1, 1987
400-499	20.00	Jan. 1, 1991
500-End	27.00	Jan. 1, 1991
11	12.00	Jan. 1, 1991
12 Parts:		
1-199	13.00	Jan. 1, 1991
200-219	12.00	Jan. 1, 1991
220-299	21.00	Jan. 1, 1991
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14 Parts:		
1-59	25.00	Jan. 1, 1991
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15 Parts:		
0-299	12.00	Jan. 1, 1991
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16 Parts:		
0-149	5.50	Jan. 1, 1991
150-999	14.00	Jan. 1, 1991
1000-End	19.00	Jan. 1, 1991
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280-399	13.00	Apr. 1, 1991
400-End	9.00	Apr. 1, 1991
19 Parts:		
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20 Parts:		
1-399	16.00	Apr. 1, 1991
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500-End	21.00	Apr. 1, 1991
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22 Parts:		
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§§ 1.501-1.640	16.00	Apr. 1, 1991
§§ 1.641-1.850	19.00	[5] Apr. 1, 1990
§§ 1.851-1.907	20.00	Apr. 1, 1991
§§ 1.908-1.1000	22.00	Apr. 1, 1991
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27 Parts:		
1-199	29.00	Apr. 1, 1991
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28	28.00	July 1, 1990

Title	Price	Revision Date
29 Parts:		
0–99	18.00	July 1, 1990
100–499	7.50	July 1, 1991
500–899	26.00	July 1, 1990
900–1899	12.00	July 1, 1990
1900–1910 (§§ 1901.1 to 1910.999)	24.00	July 1, 1990
1910 (§§ 1910.1000 to end)	14.00	July 1, 1990
1911–1925	9.00	[6] July 1, 1989
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*1927–End	25.00	July 1, 1991
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0–199	22.00	July 1, 1990
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31 Parts:		
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32 Parts:		
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1–39, Vol. II	19.00	[2] July 1, 1984
1–39, Vol. III	18.00	[2] July 1, 1984
1–189	24.00	July 1, 1990
190–399	28.00	July 1, 1990
400–629	24.00	July 1, 1990
630–699	14.00	July 1, 1991
700–799	17.00	July 1, 1991
800–End	19.00	July 1, 1990
33 Parts:		
1–124	16.00	July 1, 1990
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35	10.00	July 1, 1990
36 Parts:		
1–199	12.00	July 1, 1990
200–End	25.00	July 1, 1990
37	15.00	July 1, 1990
38 Parts:		
0–17	24.00	July 1, 1991
18–End	21.00	July 1, 1990
39	14.00	July 1, 1990
40 Parts:		
1–51	27.00	July 1, 1990
52	28.00	July 1, 1990
53–60	31.00	July 1, 1990
61–80	14.00	July 1, 1991
81–85	11.00	July 1, 1990
86–99	26.00	July 1, 1990
100–149	27.00	July 1, 1990
150–189	23.00	July 1, 1990
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260–299	22.00	July 1, 1990
300–399	11.00	July 1, 1990
400–424	23.00	July 1, 1990
425–699	23.00	[6] July 1, 1989
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790–End	21.00	July 1, 1990
41 Chapters:		
1, 1–1 to 1–10	13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[3] July 1, 1984
3–6	14.00	[3] July 1, 1984
7	6.00	[3] July 1, 1984
8	4.50	[3] July 1, 1984
9	13.00	[3] July 1, 1984
10–17	9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[3] July 1, 1984
19–100	13.00	[3] July 1, 1984
1–100	8.50	[7] July 1, 1990
101	24.00	July 1, 1990
*102–200	11.00	July 1, 1991
201–End	13.00	July 1, 1990
42 Parts:		
1–60	16.00	Oct. 1, 1990
61–399	5.50	Oct. 1, 1990
400–429	21.00	Oct. 1, 1990
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50 Parts:		
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CFR Index and Findings Aids	30.00	Jan. 1, 1991
Complete 1991 CFR set	620.00	1991
Microfiche CFR Edition:		
Complete set (one-time mailing)	185.00	1988
Complete set (one-time mailing)	185.00	1989
Subscription (mailed as issued)	188.00	1990
Subscription (mailed as issued)	188.00	1991

Title	Price	Revision Date
Individual copies	2.00	1991

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1990. The CFR volume issued January 1, 1987, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1991. The CFR volume issued April 1, 1990, should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1991. The CFR volume issued July 1, 1989, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1990 to June 30 1991. The CFR volume issued July 1, 1990, should be retained.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—SEPTEMBER 1991

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
September 3	September 18	October 3	October 18	November 4	December 2
September 4	September 19	October 4	October 21	November 4	December 3
September 5	September 20	October 7	October 21	November 4	December 4
September 6	September 23	October 7	October 21	November 5	December 5
September 9	September 24	October 9	October 24	November 8	December 9
September 10	September 25	October 10	October 25	November 12	December 9
September 11	September 26	October 11	October 28	November 12	December 10
September 12	September 27	October 15	October 28	November 12	December 11
September 13	September 30	October 15	October 28	November 12	December 12
September 16	October 1	October 16	October 31	November 15	December 16
September 17	October 2	October 17	November 1	November 18	December 16
September 18	October 3	October 18	November 4	November 18	December 17
September 19	October 4	October 21	November 4	November 18	December 18
September 20	October 7	October 21	November 4	November 19	December 19
September 23	October 8	October 23	November 7	November 22	December 23
September 24	October 9	October 24	November 8	November 25	December 23
September 25	October 10	October 25	November 12	November 25	December 24
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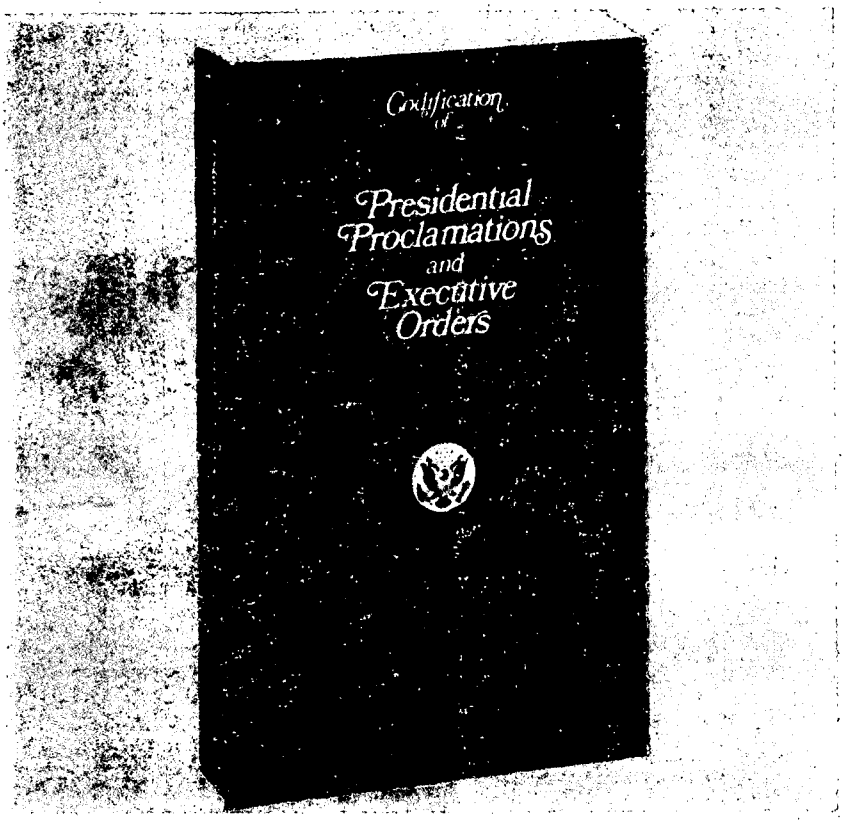

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